

THE NATIONAL ARCHIVES
LITTEA
SCRIPTA
MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 10 NUMBER 232

Washington, Wednesday, November 28, 1945

Regulations

TITLE 7—AGRICULTURE

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 4-11]

PART 1450—TOBACCO

1945 CROP OF BURLEY TOBACCO

Pursuant to the authority vested in me by War Food Order No. 4 issued on January 7, 1943, as amended (8 F.R. 335, 828, 11331; 9 F.R. 4521, 4319, 9584; 10 F.R. 103, 126, 10419), and to effectuate the purpose of such order, as amended, it is hereby ordered as follows:

§ 1450.17 *Restrictions on 1945 crop Burley tobacco*—(a) *Definitions*. (1) "Burley tobacco" means unmanufactured tobacco of Type 31, as defined in the Official Standard Grades for Burley Tobacco (7 CFR 29.206 (11)), promulgated by the Secretary of Agriculture on November 25, 1936, pursuant to the Tobacco Inspection Act (7 U.S.C. 511 et seq.).

(2) "Manufacturer" means any person who processed tobacco during the period from October 1, 1944, to September 30, 1945, inclusive, into a product for consumer use which was subject to taxation under the Internal Revenue Code (26 U. S. C. 2000-2040).

(3) "Dealer" means any person, other than a manufacturer, who purchased Burley tobacco of the crops of 1939, 1940, and 1941, from producers or at auction and redried and packed such tobacco, or had such tobacco redried and packed for his account.

(4) "1945 crop Burley tobacco" means Burley tobacco which was planted and harvested during the calendar year 1945.

(5) "Warehouman" means any person who offers tobacco for sale at auction as a commission agent for the producer of such tobacco.

(6) "Scrap" means any loose, tangled, untied, and unstemmed 1945 crop Burley tobacco salvaged as a by-product in harvesting, stripping, classing, and tying on the farm and consisting chiefly of barn and strip-house floor sweepings and very

inferior quality leaves not sold at auction by growers and any loose, untied, and unstemmed 1945 crop Burley tobacco consisting entirely of warehouse floor sweepings, loose, and tangled leaves, or portions of leaves which accumulate from unavoidable dropping or breakage in the handling of Burley tobacco and which consist exclusively of such tobacco salvaged as a by-product of marketing.

(7) "Person" means any individual partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(b) *Restrictions*. (1) No person shall purchase, or otherwise acquire, any 1945 crop Burley tobacco unless such tobacco is purchased or acquired pursuant to the provisions hereof.

(2) No manufacturer shall, directly or indirectly, purchase, or otherwise acquire, any 1945 crop Burley tobacco which will cause the total amount of such tobacco so purchased or acquired by him to exceed 112 percent of the total number of pounds of Burley tobacco used by such person for manufacturing purposes during the period from October 1, 1944, to September 30, 1945, inclusive.

(3) No manufacturer shall purchase at auction a higher proportion of his total allocation of 1945 crop Burley tobacco than his total purchases of Burley tobacco from the crops of 1939, 1940, and 1941 at auction bore to his total purchases of Burley tobacco from such crops.

(4) No dealer shall purchase from producers or at auction for his own account a total quantity of 1945 crop Burley tobacco which is in excess of 110 percent of the amount which was allocated to such dealer pursuant to the provisions of War Food Order 4-8 (9 F.R. 14272), issued on December 1, 1944, as amended, or the amount which he was entitled to have allocated to him pursuant to said war food order, as amended, for such purchases from the 1944 crop of Burley tobacco.

(5) Purchases at auction of any 1945 crop Burley tobacco by a manufacturer or a dealer shall not be charged to such purchaser's allocation of 1945 crop Burley tobacco pursuant to (b), (2), (b) (3), or (b) (4) hereof if such tobacco is pur-

(Continued on p. 14497)

CONTENTS

REGULATIONS AND NOTICES

AGRICULTURE DEPARTMENT:	Page
Tobacco, burley, 1945 crop (WFO 4-11)	14495
ALBANY PROPERTY CUSTODIAN:	
Vesting orders:	
Parker, Martha S.	14537
Taylor, Mary Martha	14537
Tibbatts, Harland B.	14537
CIVIL AERONAUTICS BOARD:	
Danish Air Lines (D. L.); hearing	14529
CIVILIAN PRODUCTION ADMINISTRATION:	
Materials, essential, transportation (TR 2, revocation)	14529
Priorities system operation; appeals procedure (PR 16)	14493
COAST GUARD:	
Miscellaneous amendments	14524
COPYRIGHT OFFICE:	
Registration of claims to copyrights; musical works	14523
CUSTOMS BUREAU:	
Documentation of vessels, vessels in foreign or domestic trades; waivers of certain navigation laws rescinded	14497
Measurement of vessels; waiver of admeasurement laws	14497
FEDERAL COMMUNICATIONS COMMISSION:	
Hearings, etc.:	
Booth Radio Stations, Inc.	14531
Chronicle Publishing Co., Inc.	14531
Cortez, Raoul	14530
Flamm, Donald	14533
KMTR Radio Corp.	14532
KROY, station	14532
Metropolitan Broadcasting Service	14534
Nashville Radio Corp. et al.	14529
Newark Broadcasting Corp.	14532
Parker, Frank	14535
Port Huron Broadcasting Co. (WHLS)	14535
Voice of Marion	14530
WAGE, Inc.	14534
WCAX Broadcasting Corp.	14535
Standard and high-frequency broadcast stations; revision of numerical designations of FM channels	14523



Published daily, except Sundays, Mondays, and days following legal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

NOTICE

1944 Supplement

The following books of the 1944 Supplement to the Code of Federal Regulations are now available from the Superintendent of Documents, Government Printing Office, at \$3 per copy:

Book 1: Titles 1-10, including Presidential documents in full text.

Book 2: Titles 11-32.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

CONTENTS—Continued

FEDERAL POWER COMMISSION:	Page
Northern Natural Gas Co., hearing.....	14536
FISH AND WILDLIFE SERVICE:	
Geese, Alexander County, Ill., closing order.....	14527
INTERIOR DEPARTMENT. See also Fish and Wildlife Service.	
Oregon and California railroad, revested, and reconveyed Coos Bay Wagon Road grant lands; annual forest productive capacity.....	14527
Southwestern Power Administration disposition of surplus electric energy from reservoir projects under control of War Department, etc.....	14527

CONTENTS—Continued

INTERSTATE COMMERCE COMMISSION:	Page
Carload freight, less, embargo at Twin Cities.....	14536
Cars, unloading at Washington, D. C.....	14537
Crane parts, unloading at New Orleans, La.....	14536
Livestock shipments.....	14527
LABOR DEPARTMENT:	
Findings with respect to war contracts; Motor Truck Sales and Service Co.....	14529
NATIONAL LABOR RELATIONS BOARD:	
Procedure for investigation and certification of representatives.....	14498
OFFICE OF PRICE ADMINISTRATION:	
Adjustments and pricing orders:	
Converto Mfg. Co.....	14540
Gem Rubber Corp.....	14539
Goodyear Tire & Rubber Co., Inc.....	14540
Ideal Brass Works.....	14538
Landers Frary & Clark.....	14539
Pretty-Scheffer Co.....	14538
Ritter Co., Inc.....	14539
United States Rubber Co. (2 documents).....	14540, 14541
Commodities and services in territories and possessions of U. S. (Rev. SO 127).....	14500
Community ceiling prices, authorization to fix (Rev. Gen. Order 51, Am. 3).....	14540
Cotton goods, carded grey and colored yarn (RPS 35, Am. 30).....	14505
Cotton textiles (SO 131, Am. 6).....	14504
Garments, essential low priced (2d Rev. MPR 578, Am. 2).....	14506
Grain sorghums (FPR 2, Am. 3 to Supp. 6).....	14505
Piece goods, finished (MPR 127, incl. Am. 1-37).....	14507
Regional and district office orders:	
Cotton picking, California.....	14542
Roofing, installed or applied; Shelby County, Tenn.....	14541
Solid fuels:	
Maryland.....	14541
New Jersey.....	14541
Spirits and wines, distilled (MPR 445, Am. 36).....	14506
Textiles, leather and apparel (SR 14E, Am. 16).....	14506
Vacuum cleaners and attachments, new household (MPR 111, Am. 17).....	14505
PETROLEUM ADMINISTRATION FOR WAR:	
Supply, petroleum.....	14521
SURPLUS PROPERTY ADMINISTRATION:	
Sale of government-owned plant equipment in contractors' plants.....	14521
Emergency plant facilities contracts.....	14523
Inventory, waiver of requirement for submission on Nov. 1, 1945.....	14523
WAR COMMUNICATIONS BOARD:	
Orders, designated, revocation.....	14521

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations amended or added by documents published in this issue. Documents carried in the Cumulative Supplement by uncodified tabulation only are not included within the purview of this list.

TITLE 19—CUSTOMS DUTIES:	Page
Chapter I—Bureau of Customs:	
Part 2—Measurement of vessels.....	14497
Part 3—Documentation of vessels.....	14497
Part 4—Vessels in foreign or domestic trades.....	14497
TITLE 29—LABOR:	
Chapter II—National Labor Relations Board:	
Part 203—Procedure for the investigation and certification of representatives.....	14498
TITLE 32—NATIONAL DEFENSE:	
Chapter IX—Civilian Production Administration:	
Part 944—Regulations applicable to operation of priorities system.....	14499
Chapter XIII—Petroleum Administration for War:	
Part 1510—Supply.....	14521
Chapter XXIII—Surplus Property Administration:	
Part 8306—Sale of government-owned plant equipment in contractors' plants (3 documents).....	14521, 14523
TITLE 37—PATENTS AND COPYRIGHTS:	
Chapter II—Copyright Office, Library of Congress:	
Part 201—Registration of claims to copyrights.....	14523
TITLE 46—SHIPPING:	
Chapter I—Coast Guard: Inspection and Navigation:	
Part 25—Requirements for all motorboats except those of over 15 gross tons carrying passengers for hire.....	14524
Part 28—Specifications and procedure for approval of equipment.....	14524
Part 36—Licensed officers and certificated men (tank vessels).....	14524
Part 55—Piping systems.....	14524
Part 61—Fire apparatus; fire prevention (ocean and coastwise).....	14525
Part 62—Licensed officers and certificated men (ocean and coastwise).....	14525
Part 77—Fire apparatus; fire prevention (Great Lakes).....	14525
Part 78—Licensed officers and certificated men (Great Lakes).....	14526
Part 80—Ferryboats (Great Lakes).....	14526
Part 95—Fire apparatus; fire prevention (bays, sounds, etc.).....	14526
Part 96—Licensed officers and certificated men (bays, sounds, etc.).....	14526

CODIFICATION GUIDE—Continued

TITLE 46—SHIPPING—Continued.	Page
Chapter I—Coast Guard: Inspection and Navigation—Continued.	
Part 98—Ferryboats (bays, sounds, etc.)	14528
Part 114—Fire apparatus; fire prevention (rivers)	14526
Part 115—Licensed officers (rivers)	14526
Part 117—Ferryboats (rivers)	14526
Part 136—"A" Marine investigation board rules	14526
Part 141—Manning of inspected vessels	14526
TITLE 47—TELECOMMUNICATION:	
Chapter I—Federal Communications Commission:	
Part 3—Rules governing standard and high-frequency broadcast stations	14526
TITLE 50—WILDLIFE:	
Chapter I—Fish and Wildlife Service, Department of Interior:	
Part 1—Regulations and orders relating to migratory birds and certain game mammals	14527

chased at a price less than the maximum price for such tobacco as established by the Office of Price Administration and in effect at the time of such purchase.

(6) Any person other than a manufacturer or dealer may purchase 1945 crop Burley tobacco at auction for resale at auction in substantially the same form and condition: *Provided*, That the resale of such tobacco at auction shall not be required if such tobacco is purchased at auction at a price less than the maximum price for such tobacco as established by the Office of Price Administration and in effect at the time of such purchase.

(7) Purchases of scrap by a dealer shall not be charged against such dealer's allocation but purchases of scrap by a manufacturer shall be charged against such manufacturer's allocation.

(8) Any 1945 crop Burley tobacco purchased in conformity with an agreement to buy for a principal, either in the principal's name or for his account, shall be charged to the allocation of the principal for whom such Burley tobacco was purchased: *Provided*, That no principal may make any such agreement with a warehouseman or any person employed, directly or indirectly, by a warehouseman, and this provision applies to any such agreement already made or to be made with respect to the 1945 crop of Burley tobacco.

(9) Tobacco of the 1945 crop Burley tobacco may, from time to time, be allocated by the Assistant Administrator for purchase by the Commodity Credit Corporation.

(10) The poundage figures used in computing allocations pursuant hereto shall be reduced to an undried (green weight) basis. Burley tobacco in the steam-dried condition and in unstemmed form shall be converted to the undried

basis by multiplying the number of pounds by the factor 1.11. Burley tobacco in the steam-dried condition and in the stemmed form shall be converted to the undried basis by multiplying the number of pounds by the factor 1.50.

(11) The restrictions of this order shall be observed without regard to the rights of creditors, prior contracts, existing contracts, or payments made prior to the effective time hereof, and acquisitions of 1945 crop Burley tobacco, by purchase or otherwise, prior to the effective time hereof, shall be charged to the respective allocations in accordance with the provisions hereof, as if such acquisitions were made after the effective time of this order.

(c) *Modification and amendment.* Any allocation granted herein may be modified, amended, or supplemented from time to time by notice or letter, issued by the Assistant Administrator, to any person to whom such allocation has been made; and the Assistant Administrator may, by notice or letter, grant an allocation to any person who is not entitled thereto under the provisions of (b) (2), (b) (3), or (b) (4) hereof.

(d) *Effective date.* This order shall become effective at 12:01 a. m., e. s. t., November 27, 1945.

E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087; WFO 4, 8 F.R. 335, 11331; 9 F.R. 4321, 4319, 9584; 10 F.R. 103, 126, 10419)

Issued this 23d day of November 1945.

[SEAL] C. W. KITCHEN,
Assistant Administrator,
Production and Marketing
Administration.

[F. R. Doc. 45-21333; Filed, Nov. 26, 1945;
12:42 p. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 51355]

PART 2—MEASUREMENT OF VESSELS

WAIVER OF ADMEASUREMENT LAWS

NOVEMBER 23, 1945.

Waiving compliance with the provisions of section 4153 of the Revised Statutes, as amended.

Section 4153 of the Revised Statutes, as amended, waived to extent necessary to permit omission of tonnage of enclosed shelter-deck spaces from gross tonnage of vessels upon certain conditions; Treasury Decision 51002, dated February 8, 1944, and Treasury Decision 51036, dated June 28, 1944, amended; and order of Acting Secretary of Commerce dated February 28, 1942, rescinded.

Upon the written recommendations of the Chairman of the United States Maritime Commission and the Administrator of the War Shipping Administration and pursuant to the authority vested in me by the provisions of section 501 of the Second War Powers Act, 1942 (50 U.S.C. App. Sup. 635), as extended by the act of December 20, 1944 (50 U.S.C. App. Sup. 645),

(a) I hereby waive compliance with section 4153 of the Revised Statutes, as amended (46 U.S.C. 77), to the extent necessary to permit the tonnage of the shelter-deck space above the upper deck which is under cover and permanently closed in to be omitted from the gross tonnage: *Provided, That—*

(1) At the time of construction of the vessel the space above referred to was open to the weather and not permanently closed in;

(2) After construction the space above referred to is closed in by making the weather tight hatch in the shelter deck water tight, and by closing the tonnage openings in the transverse bulkheads between the freeboard and shelter decks, making those bulkheads water tight;

(3) The load line of the vessel is not raised as a result of the closing in of the space above referred to; and

(4) The vessel was built before November 6, 1945;

(b) The orders of the Acting Secretary of the Treasury dated February 8, 1944 (T. D. 51002), and June 28, 1944 (T. D. 51036), waiving compliance with the provisions of section 4153 of the Revised Statutes, as amended, to the extent necessary to permit the omission of tonnage of enclosed shelter-deck space from the gross tonnage of certain vessels upon certain conditions specified in such orders, are amended by the addition of a new paragraph at the end of each order reading as follows: "This order shall be effective only as to vessels built before November 6, 1945."

I deem the above action to be necessary in the conduct of the war.

Upon the request of the Secretary of the Navy and pursuant to the authority vested in me by the provisions of section 501 of the Second War Powers Act, 1942 (50 U.S.C. App. Sup. 635), as extended by the act of December 20, 1944 (50 U.S.C. App. Sup. 645), I hereby rescind the order of the Acting Secretary of Commerce dated February 28, 1942 (7 F.R. 1636), which was confirmed and continued by the order of the Acting Secretary of the Treasury dated April 1, 1942 (T. D. 50594), and which waived compliance with the provisions of section 4153 of the Revised Statutes, as amended, to the extent necessary to permit the omission of tonnage of enclosed shelter-deck spaces from the gross tonnage of vessels upon certain conditions specified in that order.

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 45-21362; Filed, Nov. 27, 1945;
11:15 a. m.]

[T. D. 51354]

PART 3—DOCUMENTATION OF VESSELS

PART 4—VESSELS IN FOREIGN OR DOMESTIC TRADES

WAIVERS OF CERTAIN NAVIGATION LAWS RESCINDED IN WHOLE OR IN PART

NOVEMBER 20, 1945.

Rescinding in whole or in part Treasury Decisions 50592, 50653, 50654, 50756, 51025, 51116, and 51265.

Upon the written recommendation of the Administrator of the War Shipping Administration and the Chairman of the United States Maritime Commission and pursuant to the authority vested in me by the provisions of section 501 of the Second War Powers Act, 1942 (50 U.S.C. App. Sup. 635), as extended by the act of December 20, 1944 (50 U.S.C. App. Sup. 645), I hereby rescind:

(a) So much of the order of the Acting Secretary of the Treasury dated March 31, 1942 (T. D. 50592), as waives compliance with the provisions of section 8 of the act of June 19, 1886, as amended (46 U.S.C. 289), and section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 883), to the extent necessary to permit any or all vessels, the use of which has been acquired by either the United States Maritime Commission or the War Shipping Administration pursuant to the act of June 6, 1941 (50 U.S.C. App. Sup. 1271-1275), to engage in the coastwise or intercoastal trade while under foreign flag, when operated by the War Shipping Administration, directly or through agents, or while chartered or leased by either of such agencies to any persons;

(b) So much of the order of the Acting Secretary of the Treasury dated June 10, 1942 (T. D. 50653), as waives compliance with the provisions of section 8 of the act of June 19, 1886, as amended, and section 27 of the Merchant Marine Act, 1920, as amended, to the extent necessary to permit (1) any or all vessels, the use or the title to which has been acquired by either the United States Maritime Commission or the War Shipping Administration pursuant to section 902 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242), to engage in the coastwise or intercoastal trade while under United States flag, when operated by the War Shipping Administration, directly or through agents, or while chartered or leased by either of such agencies to any persons, and (2) any or all vessels, the use of which has been acquired by either the United States Maritime Commission or the War Shipping Administration pursuant to section 902 of the Merchant Marine Act, 1936, as amended, to engage in the coastwise or intercoastal trade while under foreign flag, when operated by the War Shipping Administration, directly or through agents, or while chartered or leased by either of such agencies to any persons;

(c) The order of the Acting Secretary of the Treasury dated June 11, 1942 (T. D. 50654), waiving compliance with the provisions of the navigation laws of the United States to the extent necessary to permit Canadian tugs to tow American and Canadian vessels between (1) Pacific Coast points in the continental United States and points in Alaska, and (2) points in Alaska;

(d) So much of the order of the Acting Secretary of the Treasury dated October 30, 1942 (T. D. 50756), as waives compliance with the provisions of section 4132 of the Revised Statutes, as amended, and section 4370 of the Revised Statutes, as amended (46 U.S.C. 11, 316), to the extent necessary to permit the towing of any vessel between any points or places embraced within the

coastwise laws or between points within the harbor of any such place by any vessel of any of the classes mentioned in paragraph 1 of that order or in T. D. 50592 or T. D. 50653;

(e) The order of the Acting Secretary of the Treasury dated March 18, 1944 (T. D. 51025), waiving compliance with the provisions of section 4179 of the Revised Statutes (46 U.S.C. 50), and sections 1, 2, and 3 of the act of February 19, 1920, as modified by Executive Order No. 9083 (46 U.S.C. 51-53; 7 F.R. 1609), to the extent necessary to permit the name of any vessel of the United States which is owned by or under bareboat charter to the War Shipping Administration and which has been delivered by that Administration on a bareboat basis to the War Department or to the Navy Department to be changed by such Department without the prior approval of the Commissioner of Customs, without advertising such change of name in some daily or weekly paper at the place of documentation, without payment of any fee for the privilege of securing such change of name, and without surrendering the outstanding registry, enrollment, and license, or license of such vessel;

(f) The order of the Acting Secretary of the Treasury dated August 28, 1944 (T. D. 51116), waiving compliance with the provisions of section 8 of the act of June 19, 1886, as amended, and section 27 of the Merchant Marine Act, 1920, as amended, to the extent necessary to permit the transportation of passengers or cargo, or both, in the coastwise trade by any foreign vessel while it is allocated to the War Shipping Administration by the Government of any of the United Nations and has on board a "Certificate of Ownership and Operation" issued by the War Shipping Administration certifying that it is so allocated; and

(g) The order of the Acting Secretary of the Treasury dated July 9, 1945 (T. D. 51265), waiving compliance with the provisions of section 27 of the Merchant Marine Act, 1920, as amended, to the extent necessary to permit the transportation of merchandise between ports in the United States embraced within the coastwise laws by any foreign flag vessel allocated by the Government of any nation which is a party to the United Maritime Authority for operation at the direction of the War Shipping Administration, provided that the collector of customs at the port of lading is notified of such allocation by the War Shipping Administration prior to the departure of the vessel from such port of lading.

Subdivisions (a), (b), (d), (f), and (g) of this order shall be effective at midnight November 20, 1945. Subdivisions (c) and (e) of this order shall be effective at midnight December 15, 1945. If the transportation of any passenger or any merchandise on a vessel which is not entitled to engage in the coastwise trade is not completed on or before midnight November 20, 1945, the orders or parts of orders of the Acting Secretary of the Treasury which are rescinded by subdivisions (a), (b), (f), and (g) of this order will not relieve the vessel of merchandise concerned from the penalties prescribed by section 8 of the act of June 19, 1886, as amended (46 U.S.C. 289) or

section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 883). If the towing of any vessel by a vessel which is not entitled to engage in the coastwise trade is not completed on or before midnight November 20, 1945, the part of the order of the Acting Secretary of the Treasury which is rescinded by subdivision (d) of this order will not relieve the towing vessel nor its owner or master from the penalties prescribed by section 4370 of the Revised Statutes, as amended (46 U.S.C. 316). If the towing of any American or Canadian vessel by a Canadian tug is not completed on or before midnight December 15, 1945, the order of the Acting Secretary of the Treasury which is rescinded by subdivision (c) of this order will not relieve the tug nor its owner or master from the penalties prescribed by section 4370 of the Revised Statutes, as amended.

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 45-21361; Filed, Nov. 27, 1945;
11:15 a. m.]

TITLE 29—LABOR

Chapter II—National Labor Relations Board

PART 203—PROCEDURE UNDER SECTION 9 (c) OF THE ACT FOR THE INVESTIGATION AND CERTIFICATION OF REPRESENTATIVES

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935 (49 Stat. 449), the National Labor Relations Board hereby issues the following amendments to its Rules and Regulations—Series 3, as amended (General Rules and Regulations), which it finds necessary to carry out the provisions of said Act. Said amendments shall become effective upon their signature by the Board, and upon the publication thereof in the FEDERAL REGISTER.

Signed at Washington, D. C., this 27th day of November 1945.

[SEAL] PAUL M. HENZOG,
Chairman.
GERARD D. REILLY,
Member.
JOHN M. HOUSTON,
Member.

Part 203, National Labor Relations Board Rules and Regulations—Series 3, as amended, is hereby further amended as follows:

1. By striking out in the second sentence of § 203.1 of said part the words "the hearing thereon, pursuant to §§ 203.3 and 203.6," and inserting in their stead the words "transfer of the case to the Board, pursuant to § 203.8," and by striking out in the third sentence of said section the words "During the hearing, and thereafter," and inserting in their stead the words "After such transfer." As amended the second and third sentences of § 203.1 shall read as follows:

§ 203.1 Who may file; where to file; withdrawal of petition; form; ju-

rat * * * Prior to transfer of the case to the Board, pursuant to § 203.8, a petition may be withdrawn only with the consent of the Board or of the regional director with whom such petition was filed. After such transfer, a petition may be withdrawn only with the consent of the Board. * * *

2. By striking out in the first sentence of § 203.3 of said part the words "by issuing a notice of hearing," so that said first sentence of § 203.3 of said part shall read as follows:

§ 203.3 *Same; investigation by regional director; definition of parties; notice of hearing; service of notice; withdrawal of notice.* After a petition has been filed, if it appears to the regional director that an investigation should be instituted he shall institute such investigation, provided that the regional director shall not institute an investigation on a petition filed by an employer unless it appears to the regional director that two or more labor organizations have presented to the employer conflicting claims that each represents a majority of the employees in the bargaining unit or units claimed to be appropriate. * * *

and by inserting, following the word "appropriate" at the end of the first sentence of said section, the following footnote (to be designated footnote 2):

* At any stage of the investigation, either before hearing or after hearing but before transfer of the case to the Board, the regional director may in cases which present no substantial issues, conduct a secret ballot of the employees, or he may decline to continue the investigation.

3. By inserting in the first sentence of § 203.4, following the word "institute," the words "or continue." As amended the first sentence of § 203.4 of Part 203 shall read as follows:

§ 203.4 *Appeals to Board by petitioner from action of regional director.* If, after a petition has been filed, the regional director declines to institute or continue an investigation, the employee, person, labor organization, or employer filing the petition may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., and filing a copy of such request with the regional director. * * *

4. By inserting in the second sentence of § 203.5, following the words "if made prior to," the words "transfer of the case to the Board but not during." As amended the second sentence of § 203.5 of Part 203 shall read as follows:

§ 203.5 *Same; motions; interventions; witnesses; subpoenas.* * * * Motions to dismiss petitions if made prior to transfer of the case to the Board but not during the hearing, shall be filed with the regional director, and if made during the hearing with the trial examiner, and shall be referred to the Board for appropriate action.

5. By striking out in § 203.8, the words "Upon the close of the hearing the regional director shall," and by inserting in their stead the words, "At any appro-

priate stage of the investigation following hearing, the regional director may transfer the case to the Board and shall thereupon." As amended, § 203.8 of Part 203 shall read as follows:

§ 203.8 *Record; what constitutes; transmission to Board.* At any appropriate stage of the investigation following hearing, the regional director may transfer the case to the Board and shall thereupon forward to the Board in Washington, D. C., the petition, notice of hearing, motions, rulings, orders, the stenographic report of the hearing, stipulations, exhibits, documentary evidence, and depositions, all of which shall constitute the record in the proceeding.

6. By striking out, at the end of the second sentence in § 203.9, the words, "the close of the hearing," and by inserting in their stead the words, "notice of transfer of the case to the Board." As amended the second sentence of § 203.9 of Part 203 shall read as follows:

§ 203.9 *Proceeding before Board; briefs; further hearing; direction of election; certification of representatives.* * * * Should any party desire to file a brief with the Board, the original and three copies thereof shall be filed with the Board at Washington, D. C., within seven days after notice of transfer of the case to the Board. * * *

7. By striking out the first sentence of § 203.10 and inserting in its stead the following sentence:

§ 203.10 *Election procedure; tally of the ballots; objections; report on challenged ballots; report on objections; exceptions; action of Board; hearing; contents of record.* Unless otherwise directed by the Board, all elections shall be conducted under the supervision of the regional director in whose region the proceeding is pending. * * *

and by inserting at the end of the second paragraph of said section the following footnote (to be designated footnote 3):

* This and the subsequent provisions of this section do not apply to elections conducted by the regional director as part of the investigation before hearing (see footnote 2 of this part). In such instances, the regional director, following the election, shall provide for an appropriate hearing upon due notice to all parties, unless it appears to him that the investigation should not be continued; and all issues, including issues with respect to the conduct of the election or conduct affecting the election results and issues raised by challenged ballots, shall be heard at such hearing.

[F. R. Doc. 45-21397; Filed, Nov. 27, 1945; 11:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676; as amended by 65 Stat. 236, 59 Stat. 177, 58 Stat. 827; E.O. 8024, 7 F.R. 823; E.O. 9040, 7 F.R. 827; E.O. 9125, 7 F.R. 3719; E.O. 9589, 10 F.R. 10165; E.O. 9639, 10 F.R. 12391; CPA Reg. 1, Nov. 5, 1945, 10 F.R. 15714.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 16, as Amended Nov. 27, 1945]

APPEALS PROCEDURE

§ 944.37 *Priorities Regulation 16—(a) What this regulation does.* This regulation explains the procedure for appealing from orders, regulations and administrative actions of the Civilian Production Administration, except suspension orders issued on the recommendation of Compliance Commissioners. It also explains how the appeals will be handled by CPA.

(b) *Definitions.* For purposes of the regulation: "An appeal" means a request for individual relief on the grounds that compliance by the appellant or another would work an exceptional and unreasonable hardship which is not suffered generally by others in the same industry or activity, or on the grounds of improper discrimination. It does not include an initial application or initial request for an authorization, a preference rating, an allocation or any other administrative action expressly contemplated by the orders and regulations of CPA. In the absence of exceptional and unreasonable hardship not suffered generally by others or in the absence of improper discrimination an appellant may expect his appeal to be denied. There are two kinds of appeals, and they are defined below:

(1) "Appeal from an order or regulation" means an initial appeal for individual relief from any provision of a published order or regulation (including any published direction, schedule or other supplement to an order or regulation) which applies generally to all persons or to a class of persons described in the order or regulation.

(2) "Appeal from administrative action" means an appeal for reconsideration or modification of CPA action taken with respect to a particular person. Such administrative actions include the issuance of or refusal to issue individual authorizations, directives, preference ratings or quotas. The action of the CPA in granting or denying an initial "appeal from an order or regulation", or in granting or denying an application for an authorization under an order, is an administrative action; so a request for reconsideration of such action on the grounds of hardship or improper discrimination is an "appeal from administrative action".

(c) *How appeals are prepared and filed.* An appeal not prepared and filed as required below may be returned to the appellant without action.

(1) *Number of copies.* Unless otherwise specified, all appeals must be filed in triplicate.

(2) *Form of appeal.* An "appeal from an order or regulation" should refer to the provision appealed from, and must be filed on Form WFB-1477 unless the order or regulation specifies filing upon some other particular form or by letter. An "appeal from administrative action" must (unless otherwise stated in spe-

cific instructions) be filed by letter referring to the action appealed from and identifying the initial request by WPB or CPA form number and case number, if any.

(3) *Statement of grounds for appeal.* The fact that a person is appealing must be stated, and the grounds for claiming exceptional and unreasonable hardship or improper discrimination should be clearly set out.

(4) [Deleted Nov. 27, 1945.]

(5) *Request for consideration by the Appeals Board.* If the appellant, in the case of an "appeal from administrative action", wants consideration of his appeal by the Appeals Board, he should expressly request in writing its referral to the Appeals Board as further explained in paragraph (e) below.

(d) *Where appeals are filed.* (1) "Appeals from orders or regulations" must be filed where indicated in the orders or regulations. If there is no indication, such appeals should be addressed to Appeals Routing Unit, Civilian Production Administration, Washington 25, D. C. An exception to this rule is that a person who, in connection with the subject matter of his appeal, is also making an application on any form which he is instructed to file in a field office may, at his election, attach his appeal to the application and file both with the appropriate field office.

(2) An "appeal from administrative action" should be filed at the same place the initial application or "appeal from an order or regulation" was filed, or if the administrative action was based upon neither an application nor an "appeal from an order or regulation" it should be addressed to the Appeals Routing Unit, Civilian Production Administration, Washington 25, D. C. However, any request to reopen a case granted or denied on the recommendation of the Appeals Board may be filed with that Board. Appeals should never be addressed to the Recording Secretary who attests the execution of Civilian Production Administration actions.

(e) *Appeals Board.* (1) The Appeals Board of the Civilian Production Administration is established as an impartial body primarily to consider "appeals from administrative actions" in cases in which exceptional and unreasonable hardship or improper discrimination is claimed. Any person complaining of administrative action on these grounds may have an "appeal from administrative action" submitted to the Appeals Board for final action if he expressly requests it in writing. On the other hand, the Appeals Board will not normally consider any cases which do not involve these factors or which are not "appeals from administrative actions". It is not its ordinary function to review actions involving judgment as to the proper distribution of materials, programming of military or civilian production and their relative es-

sentiality. If the basis for the appeal is relative essentiality and not a claim of exceptional and unreasonable hardship or improper discrimination no request for referral to the Appeals Board should be made. For further information concerning proceedings before the Appeals Board see Direction 1 to this regulation.

(2) Any "appeal from administrative action" in which exceptional and unreasonable hardship or improper discrimination is claimed, if not granted promptly on the recommendation of the official who took the action appealed from (or an official superior to him) will be referred to the Appeals Board: *Provided*, That the referral has been expressly requested in writing by the appellant. However, the referral to the Appeals Board will preclude further consideration of the case by such officials on the above grounds, and the decision of the Appeals Board will be final.

(3) [Deleted Oct. 12, 1945.]

(f) *Grants and denials of appeals.*

(1) An "appeal from an order or regulation" will generally be granted or denied on the recommendation of the official administering the order or regulation. When the original administrative action has been taken by a field office of CPA the appeals in certain cases will be sent to Washington. Any "appeal from administrative action" may be granted or denied on the recommendation of the official who took the original action unless referral to the Appeals Board has been requested in writing by the appellant. Any "appeal from administrative action" may be granted or denied on the recommendation of the Appeals Board.

(2) The grant or denial of any appeal in whole or in part will be valid only when issued in the name of the Civilian Production Administration, countersigned or attested by the Recording Secretary, or in accordance with CPA Regulation No. 1 (§ 903.0). The grant or denial of an appeal referred to the Appeals Board will be indicated by a phrase such as "on the recommendation of the Appeals Board".

(3) The denial of any appeal, in whole or in part, on the recommendation of the Appeals Board, is final unless the Appeals Board elects to reopen the matter.

(g) *Public files.* Whenever an order or another regulation of the Civilian Production Administration expressly so provides, public files containing records relating to the appeals from such orders or regulations or from administrative actions taken under them shall be set up and shall be available for public inspection during the business hours of the Civilian Production Administration.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 27th day of November 1945.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-21363; Filed, Nov. 27, 1945;
11:21 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATIVE

[Rev. SO 127]

EXEMPTION AND SUSPENSION OF CERTAIN COMMODITIES AND SERVICES FROM PRICE CONTROL IN TERRITORIES AND POSSESSIONS OF THE UNITED STATES

Supplementary Order 127 is redesignated Revised Supplementary Order 127, and is revised and amended to read as follows:

A statement of the considerations involved in the issuance of this supplementary order, issued simultaneously herewith, has been filed with the Division of the Federal Register.

ARTICLE I—EXEMPTION OF CERTAIN ARTICLES OF CONSUMER GOODS

SECTION 1.1 *Articles exempted from price control.* Notwithstanding the provisions of any price regulation or order heretofore or hereafter issued (except an amendment of this order) by the Office of Price Administration, all purchases, sales and deliveries, unless otherwise stated below, of any articles of consumer goods listed in the sections appearing under this article are exempt from price control.

SEC. 1.2 *Consumer durable goods articles.* (a) The following articles of personal accessories:

- Comb cleaners.
- Comforter grippers.
- Decorative combs designed for use exclusively as hair ornaments.
- Hand fans.
- Imitation, synthetic and semiprecious stones for jewelry purposes only.
- Jewelry of the following types (including costume jewelry) except when sold with or as a part of any article subject to price control such as apparel and time pieces:
 - Bracelets.
 - Brooches.
 - Charms.
 - Compacts and vanity cases made of precious metals (not including articles plated with precious metals).
 - Cuff links.
 - Earrings.
 - Findings.
 - Insignia and emblems.
 - Lipstick holders made of precious metals (not including articles plated with precious metals).
 - Mountings.
 - Necklaces.
 - Pendants.
 - Pins.
 - Rings.
 - Watch Bracelets.
 - Men's accessories, such as tie clips, money clips, key chains, watch chains, belt buckles, etc.
 - Shaving equipment made of precious metals (not including shaving equipment plated with precious metals).
 - Shoe horns.

Smoking equipment and accessories except tobacco, cigars, cigarettes, matches and apparel.
Wigs and toupees.
Wood hair curlers.

(b) The following articles of household accessories:

Artificial or preserved grass, plants, stems, buds, vines, fruits, flowers, petals, leaves and foods for decorative household use and store display purposes.
Beverage coasters.
Book ends.
Bookmarks (except paper).
Christmas decorations made of natural vegetable products, such items as cones, berries, pods, leaves, etc.
Christmas tree holders.
Christmas tree ornaments except electric light bulbs, cords and sets.
Cigarette urns.
Figurines and ornamental statuary designed for ornamental use (not including articles which may be used for any other purpose).
Glass ice balls for "chilling without diluting" food and beverages.
Hand painted pictures.
Incense burners.
Miniature furniture used as containers for flowers, candy, cigarettes, etc. (except packaging supplied by seller of the packaged article).
Miniature size novelties made of glass, china, wood, plastic, plaster, etc., which have no tableware use and are made for collector's purposes only, including miniature size decorative glass bottles other than perfume bottles.
Mirror covered boxes when sold separately and not as part of a unit containing an article not exempt.
Mirror table plateaus.
Music boxes when sold separately and not as part of an article not exempt.
Napkin rings.
Novelty cigarette, cigar, and playing card boxes when sold separately and not as part of a set (except paper or paperboard articles and packaging supplied by a seller of the packaged article).
Novelty and decorated serving trays.
Novelty pouring and measuring caps for liquor bottles.
Novelties made of alabaster, marble, onyx, shell, bark, bone, horn, butterfly wings and gourds for decorative household use or made for collectors' purposes.
Novelty wall plaques, masks, and decorations designed solely for ornamental use, but not including articles which may be used for any purpose whatsoever other than ornamentation.
Paper weights.
Picture frames and framed pictures (except portrait photographs).
Pin-cushions.
Party novelties made in part of candy, nuts or cosmetics.
Place card holders and place cards (except paper).
Poker chips and racks.
Portable door stops.
Reading racks (except typewriter copy holders).
Self-feeding baby bottle holders.
Shoe racks.
Tie racks.
Wood carved figures and animals.
Articles of glassware, china or pottery for decorative household use (except lamp bases and articles for the preparation, storage and service of food and beverages).

(c) The following articles of housewares:

Bird houses, feeders and baths.
Bird cages, stands and hooks.

Bowl covers and bags made of fabric or plastic for household use in preserving food and beverages.
Clothespins.
Deodorizers for use in household ice boxes and refrigerators only.
Dinner bells and chimes.
Dog and cat beds, cushions, mattresses and diners.
House number markers and holders.
Wood leg carriers.

(d) The following articles of hardware:

Aluminum horse shoes.
Garden hose reels.
Safety air vents for wine fermentation.
Ship bells.
Sleigh bells.

(e) The following articles of sporting goods:

Aquatic sporting goods other than apparel and shoes.
Archery equipment other than apparel.
Badminton equipment other than apparel and shoes.
Baseball equipment except balls, mitts, gloves, bats, apparel and shoes.
Basketball equipment except apparel, shoes and basketballs.
Boats, 25 ft. or less in length, except toy boats. (See Section 4.3 (d) covering boats over 25 ft. in length.)
Bowling and billiard equipment and accessories.
Boxing, wrestling and striking bag equipment except apparel and shoes.
New canoes and accessories except sails.
Cartridge case trimmers, reloaders, swedgers and reshapers for use in hand loading ammunition.
Clay pigeons and traps for releasing clay pigeons.
Croquet sets and equipment.
Decoys, bird and game.
Field hockey equipment except apparel and shoes.
Fishing tackle except rods, reels, non-metallic lines and nets.
Football equipment except apparel, shoes, helmets, pads and footballs.
Game calls, bird and game.
Golf equipment except apparel, shoes, clubs and balls.
Ice hockey equipment except apparel, skates, shoes and skate combinations.
Paddle tennis equipment.
Shuffleboard equipment.
Soccer equipment except apparel, shoes and balls.
Softball equipment except balls, mitts, gloves, bats, apparel and shoes.
Squash equipment other than apparel and shoes.
Table tennis equipment.
Tennis equipment except rackets, balls, apparel and shoes.
Toboggans, bobsleds and equipment except apparel and shoes.
Volley ball equipment except apparel, shoes and balls.
The following items of track and field equipment: Javelins, discs, athletic shot, tee boards, athletic hammer, vaulting poles, vaulting and jump standards.

(f) The following articles of photographic equipment:

Densitometers.
Diffusing Screens.
Film-hanger Racks.
Film Sheaths.
Film-slitters.
Lens caps.
Montage Kits.
Paper safes.
Plate drying racks.
Plate holders.
Print embossers.
Print paddles.
Print tongs.

Projector stands.
Retouching desks.
Slide changers.
Slide-film viewers.
Stirring rods.
Trimming-board guides.
Triped tips.
Vignettes.

(g) The following articles of household furniture:

Costumers.
Folding screens.
Foot stools except hassocks and ottomans for matched sets.
Furniture made entirely of glass.
Hand carved wood wall brackets, wall pockets and screens. (This does not include shadow boxes, curio cabinets or other hanging wall cabinets.)
Hand decorated articles of furniture rebuilt from substantially different articles of used furniture.
Magazine racks and bookshelves. (This does not include tables or combination units.)
Plant stands and ferneries.
Porch gates, when sold under the following conditions:
To consumers for \$3.60 or less.
To dealers for \$1.65 or less.
To jobbers for \$1.40 or less.
Portable hand and back bars for household use.
Sewing cabinets (except cabinets for sewing machines).
Spinning wheels.
Tea wagons.

(h) The following articles of floor coverings:

Rugs, the wearing surface of which is made wholly of animal skins.

(i) The following articles of toys:

Magician's tricks.
Toys and games when sold under any of the following conditions:
To consumers for \$2.25 or less.
To retailers for \$1.15 or less.
To wholesalers for \$1.12 or less.

(j) The following articles of professional goods:

Bronze cinerary urns, sarcophagi.
Casket lowering devices.
Dental instruments and supplies for use by dentists, including, but not limited to, forceps, pliers, handpieces, scalers, elevators, impression compounds, etc., but not including fixtures and dentifrices.
Exercise machines and devices.
Ice cans when sold to industrial users.
Laboratory apparatus built to specifications of the purchaser when no more than six identical items are manufactured (except scientific instruments covered by Revised Maximum Price Regulation No. 136).
Scientific instruments designed primarily for use in laboratories and hospitals (except those covered by RMPR No. 139).
Scientific optical instruments (except those covered by RMPR No. 136 and binoculars, monoculars, field glasses and photographic equipment).
Stereograph machines.
Surgical instruments or machines for use by physicians, surgeons or hospitals, including, but not limited to, forceps, clamps, surgical needles, knives, retractors, dilators, cardiographs, etc. But not including hospital or office furniture, or surgical supplies such as bandages, adhesive tape, etc.
Watch repair hand tools designed specifically for use in repair or assembling of watches or clocks such as case openers, movement holders, hand and pinion removers, jewel tools, balance holding calipers, and tools, etc. General purpose tools such as wrenches, pliers, saws, screw drivers are not exempt.

(k) The following articles of equipment and supplies:

Advertising novelties, other than paper (such as: pens, pencils, tooth picks, knives, cigarette lighters, leather backed calendar pads, writing kits, playing cards, thermometers, barometers, hydrometers) which are sold to an advertiser who gives them away for purposes of publicity without cost to the recipient. These articles must be imprinted with the name of the advertiser or the name of the recipient before delivery by the manufacturer.

Automatic rotary cookers.

Cemetery flower vases with invertible insert, and designed to be so placed into the ground that the top of the vase is flush with the ground level.

Coin operated machines including, but not limited to, scales, vending machines, amusement machines, music machines.

Electrically operated map cases.

Florists' foliage, decorative and trimming products.

Metal bindings or slides for use on maps, map cases, charts, calendars, tariff sheets, advertising matter, etc.

Mineral, geological, botanical and zoological specimens and microscope slides for educational purposes.

Miniature and scale model furniture sold for use in sales promotion.

Records or electrical transcriptions of special studio programs or of live commercial radio broadcast programs when sold to advertising agencies, advertisers, radio broadcast stations, commercial radio program producers, or participating artist, for rebroadcast, advertising, promotion, or reference purposes only, and not for sale to the general public.

Signs, advertising, street, etc.

Three dimensional sculptured or cast anatomical models (human, botanical, zoological) used for educational purposes.

Tax and payroll calculators, non-mechanical, which use charts to indicate or compute taxes and payrolls.

Wire forms for floral wreaths and wire easels for floral displays.

(1) The following miscellaneous articles:

Braille writers (portable).

Decorative and memorial tablets and plaques. Plaques and loving cups awarded as trophies for tournaments, athletic events, etc.

Wood, leather, metal, cloth, paper or pottery souvenirs on which have been printed, engraved, stamped, or burned the names or pictures of cities, towns, camp, resorts, or states which are sold only as souvenir items.

SEC. 1.3 *Leather, fur and fibre articles.*

Dressed badger hair.

Dressed pony hair.

SEC. 1.4 *Textile articles.*

Coffee urn bags.

Decorative yarns when sold by the manufacturer in quantities which, except in unusual instances, do not aggregate more than 2,000 pounds of any one style to any one purchaser during any 6-month period. As used herein: "decorative yarns" means yarns designed for and used solely as decoration in those apparel fabrics which do not consist, apart from decoration, entirely of cotton; "style" refers to yarn of a particular count, color and twist.

ARTICLE II—SUSPENSION OF CERTAIN ARTICLES OF CONSUMER GOODS

SEC. 2.1. *Articles suspended from price control.* Notwithstanding the provisions

of any price regulation or order heretofore or hereafter issued (except an amendment of this order) by the Office of Price Administration, price control is suspended as to all purchases, sales and deliveries, unless otherwise stated below, of any articles of consumer goods listed in the sections appearing under this article. These suspensions are for an indefinite period of time except when it is otherwise specifically provided by the Administrator.

SEC. 2.2 *Leather and fur and fiber articles.* Furs, skins, and peltries other than the following:

Cat, Spotted, South American (including Brazilian and Mexican).

Deer.

Fox, Gray.

Hare.

Kid, African (Eritrean).

Kid, Indian.

Lamb, Indian "Bombay."

Lamb, Indian Moiré (also known as Indian Broadtail).

Lamb, Lincoln.

Lamb, Mouton.

Marmot.

Muskrat.

Opossum, North American.

Pony.

Rabbit.

Raccoon.

Skunk.

Squirrel.

Wolf.

SEC. 2.3 *Apparel articles.* Fur garments (garments of which the entire external surface, except for trimming, is made of fur), fur shells or fur garments and fur trimmings and collars, other than such articles made from the following furs, skins and peltries:

Cat, Spotted, South American (including Brazilian and Mexican).

Deer.

Fox, Gray.

Hare.

Kid, African.

Lamb, Indian "Bombay."

Lamb, Indian Moiré (also known as Indian Broadtail).

Lamb, Lincoln.

Lamb, Mouton.

Marmot.

Muskrat.

Opossum.

Pony.

Rabbit.

Raccoon.

Skunk.

Squirrel.

Wolf.

ARTICLE III—EXEMPTIONS OF CERTAIN MACHINES, PARTS, INDUSTRIAL MATERIALS AND SERVICES

SEC. 3.1 *Articles exempted from price control.* Notwithstanding the provisions of any price regulation or order heretofore or hereafter issued (except an amendment of this order) by the Office of Price Administration, all purchases, sales and deliveries, unless otherwise stated below, of any of the machines, parts, industrial materials and services listed in the sections appearing under this Article are exempt from price control.

SEC. 3.2 *Building materials.* (a) Construction materials and refractories as follows:

Architectural terra cotta.

(b) Mechanical building equipment as follows:

Cast iron cornices.

Continuous stove wood pipe.

Lightning rods.

Machine-banded wood pressure pipe.

Ornamental iron brackets.

Prefabricated non-dwelling structures—limited to direct sales to users by manufacturers, other than retail lumber yard dealers or an agent or employee thereof, whose gross sales during any calendar year are \$5000 or less.

Solid bored wood pressure pipe, machine-banded or wire-bound.

Steel and iron marquees.

Weather vanes.

Wire-bound wood pressure pipe.

Wood-lined pressure pipe.

Wrought iron balustrades.

Wrought iron fences.

SEC. 3.3 *Lumber and primary forest products.* (a) Lumber products as follows:

Foundry riddle rims (knife cut or saw cut) made wholly or principally of wood.

(b) Miscellaneous primary forest products as follows:

Florist foliage.

SEC. 3.4 *Machines and parts and machinery services.* (a) Electrical equipment as follows:

Batteries, wet-cell electric storage, when sold by a manufacturer to a brand owner.

Bi-metallic strips.

Lightning fixtures, especially designed and built for individual installation, excluding modifications of standard items.

X-ray equipment and supplies, exclusive of X-ray tubes.

(1) Bells (including tubular tower bells) upon which musical selections are played and (2) Peals of bells or chimes of bells when designed for installation in the towers of religious, educational or similar institutions.

Radio tubes and parts when sold by a manufacturer to a brand owner for replacement purposes only.

(b) Miscellaneous equipment as follows:

Amusement riding devices (such as roller coaster, whip, caterpillar, kiddy rides, octopus, loop-o-plane, scooter, swings, ferris wheel, merry-go-round) when sold for installation in amusement parks, carnivals or for use in itinerant amusement enterprises, excluding power units and power transmission units for operating devices, highway vehicles and railroad cars for transporting the devices.

Gas meters, tin-cased.

Voting machines, and parts.

(c) Processing machinery and parts as follows:

Broom sewing machines and parts.

(d) Transportation equipment and services as follows:

Repair to ships and boats when undertaken for a war procurement agency.

SEC. 3.5 *Paper and paper products.* (a). Miscellaneous paper products as follows:

Stamped envelopes sold to and by the Post Office Department of the United States Government.

SEC. 3.6 *Rubber, chemicals and drugs.* (a) (1) Chemicals and drugs when sold for the purposes of scientific and medical

research, for analytical and educational uses or for quality control of industrial products as follows:

Laboratory reagent specialty solutions.
Prepared culture media.
Reagent chemicals.

(2) Chemicals and drugs as follows:

Annatto seeds.
Aconitum heterophyllum.
Botanical drugs, domestic and imported, whether crude, milled, ground or powdered, and solid, fluid and powdered extracts of the foregoing.
Brucine sulphate.
Cochineal.
Emetine hydrochloride.
Guinea pig complement.
Gum Ghatti.
Saffron.
Saponin (extract of soap bark).
Thallium sulphate.

(b) Miscellaneous commodities made in whole or in part of rubber, synthetic or substitute rubber as follows:

Bust forms and fillers (other than surgical bust forms and fillers).

ARTICLE IV—SUSPENSIONS OF CERTAIN MACHINES, PARTS, INDUSTRIAL MATERIALS AND SERVICES

Notwithstanding the provisions of any price regulation or order heretofore or hereafter issued (except an amendment of this order) by the Office of Price Administration, price control is suspended as to all purchases, sales and deliveries, unless otherwise stated below, of any of the machines, parts, industrial materials and services listed in the sections appearing under this article. These suspensions are for an indefinite period of time except when it is otherwise specifically provided by the Administrator.

SEC. 4.1 *Building materials.* (a) Construction materials and refractories as follows:

Architectural dimension stone, monuments and memorials.
Chemical stoneware.
Talc, ground soapstone and pyrophyllite.

(b) Mechanical building equipment covered by MPR 591 as follows:

Nonmetallic air and fume conductor devices and accessories.
Aluminum molding, binding and edging.
Stainless steel molding, binding and edging.
Casket and casket shell hardware.
Cast iron risers manufactured in accordance with the specifications of applicable sanitary laws or regulations.
C. N. I. Alloy cast iron thread pipe, couplings and nipples.
Cocks, ground key, plug type corporation, curb and service patterns as used by water and gas utilities for underground water and service connections.
Flag poles and staffs, metal.
Liquid soap dispensing equipment, except portable or detachable self-contained units.
Mail chutes, except pneumatic.
Metal awnings.
Metal clad wooden plumbing fixtures.
Oil separators, all types, except those covered by RMPP 136.
Plastic pipe and tubing manufactured from co-polymer vinyl and vinylidene.
Repair clamps and couplings, except garden hose clamps and couplings.
Tie rods and accessories, except inserts, especially designed for concrete form construction which become permanent parts of the structure.

Vault doors.
Window guards.
Wood casing for pipe.

SEC. 4.2 *Lumber and primary forest products.*

NOTE: This section and headnote have been inserted for reference only. No lumber or primary forest products are to be deemed suspended under this section.

SEC. 4.3 *Machines and parts and machinery services.* (a) Electrical equipment as follows:

Search lights, military, completely assembled.

(b) Machine tools and parts as follows:

Spring-winding and wire-forming machinery.
Spring-winding and spring-forming machinery.

(c) Miscellaneous equipment as follows:

Clockwork systems, industrial.
Engines, Army tank.
Furnaces and ovens, industrial and laboratory, except space heating, warm air furnaces, stoves, blast furnaces and industrial furnaces and ovens used solely for the manufacture of coke, pig iron and steel, or used for food processing.
Gauges, standard industrial and special purpose, including plug, ring, snap, height, length and location gauges, but not testing machines.
Gyroscopes.
Heating, melting, burning and thawing equipment, portable, for industrial and transportation uses, excluding fire pots and blow torches.
Instruments, industrial, designed and sold as devices to measure and control physical and chemical variables in industrial processes (such as measurement and control of pressure, temperature, humidity, flow, motion, position, space, gravity, liquid level, chemical-physical variables, acidity, alkalinity, electrolytic conductivity, oxygen content, CO₂ content and other such gases, liquids and solids), excluding any instruments covered by MPR 591 and instruments for measuring, testing, indicating or recording electrical quantities. These instruments are only those used in industrial processes for the purpose of control or control and measurement of the process.
Marine instruments.
Numbering and marking machines for use on metal, except office machines.
Optical processing machinery, manufacturers, except BX optical and laboratory machinery.
Pipe wrapping and coating machinery.
Reproduction machinery, architectural and engineering, such as blue printing, brown printing and white printing, but not photographic process machinery.
Siren blowers, designed for air raid precautionary use.
Steam engines, except railroad locomotives.

(d) Transportation equipment and services as follows:

Heavier and lighter than air aircraft.
Parts for heavier and lighter than air aircraft, including any product upon which further fabrication need not be performed in order to complete its identification as a part specially designed for the production or repair of aircraft, but excluding specifically:
(1) Lumber requiring further fabrication.
(2) Any part whose end use cannot be determined by the seller.
(3) Airplane tires and tubes.

(4) Iron and steel castings covered by Revised Price Schedule 41 (Steel Castings and Railroad Specialties), Maximum Price Regulation 214 (High Alloy Castings), Maximum Price Regulation 235 (Manganese Steel Castings and Manganese Steel Castings Products), Maximum Price Regulation 241 (Malleable Iron Castings), or Maximum Price Regulation 244 (Grey Iron Castings).

(5) Nonferrous castings covered by Revised Maximum Price Regulation 125 (Nonferrous Castings).

(6) Plywood (except that molded specially for airplanes).

Marine equipment listed as such in RMPP 136.

Ships and boats, new or used, over twenty-five feet in length, excluding steel boats built to the manufacturer's specifications and selling at a price of not more than \$3,000 to the user, and excluding parts, subassemblies or fittings for such ships and boats when sold separately.

(e) Processing machinery and parts as follows:

Knitting needles, industrial.

SEC. 4.4 *Metals.* (a) Non-ferrous metals and products as follows:

Calcium metal.
Ferroboron and other boron alloys.
Ferrophosphorus.
Lead bullet rod.
Non-ferrous forgings.
Primary aluminum ingot and pig.
Aluminum castings subject to Revised Maximum Price Regulation 125 (Non-ferrous Castings).
Magnesium scrap.
Remelt magnesium ingot.
Magnesium and magnesium alloy ingot.
Magnesium castings subject to Revised Maximum Price Regulation 125 (Non-ferrous Castings).
Mercury.
Die castings subject to Maximum Price Regulation 377 (Die Castings).
Tool steel scrap.

(b) Iron and steel and products as follows:

Stainless steel (all forms, grades and analyses which are subject to RPS No. 6 when sold by a producer or are subject to RPS No. 43 when sold by a reseller).

ARTICLE V—EXEMPTION OF CERTAIN FOODS, GRAINS AND CEREALS, FEEDS, TOBACCO AND TOBACCO PRODUCTS, AGRICULTURAL CHEMICALS, INSECTICIDES AND BEVERAGES

SEC. 5.1 *Exemption from price control.* Notwithstanding the provisions of any price regulation or order heretofore or hereafter issued (except an amendment of this order) by the Office of Price Administration, all purchases, sales and deliveries, unless otherwise stated below, of the commodities listed in the sections appearing under this Article are exempt from price control.

(a) Foods listed under the categories named below. Unless otherwise stated, the list covers only domestic commodities. As used in this article "domestic" means produced or processed in the continental United States; "imported" means produced or processed outside the continental United States. However, the exemptions under this Article III-A shall not apply to any commodity produced or processed within a territory or possession and sold for consumption in such territory or possession.

(1) Fish, fats and oils category, as follows:

Caviar, canned (the salted roe of sturgeon, spoonbill, whitefish and salmon; domestic).
 Caviar, canned (the salted roe of various large fish of the sturgeon genus; imported).
 Clam juice, canned.
 Conchs, canned.
 Frog legs.
 Shark fins, dried (imported).
 Snails, canned (imported).
 Sturgeon, smoked, including smoked spoonbill.

(2) Fruits and vegetables, fresh or processed, category, as follows:

Artichokes, canned (domestic and imported).
 Bambo sprouts, canned and frozen.
 Bean sprouts, canned and frozen.
 Catawba Grape Juice.
 Cauliflower, brined (imported and domestic).
 Cauliflower, canned (imported).
 Compressed dehydrated fruits, vegetables and berries.
 Corn-on-the-cob, canned and frozen.
 Crab Apples, canned.
 Crab Apple Juice, canned.
 Cucumbers, fresh.
 Horseradish, processed.
 Horseradish Root.
 Mushrooms, canned (imported).
 Mushroom sauce, canned (does not include mushroom soup).
 Nectarines, canned and frozen.
 Peppers, brined (imported and domestic) (does not include pimentos).
 Pickled Onions, canned (imported).
 Water Chestnuts, canned.
 Watermelon, brined (imported and domestic).

(3) Grocery products category, as follows:

Brown Buckwheat Groats (the product produced in further processing white buckwheat groats by toasting).

(4) Meats and poultry category, as follows:

Pate de Foie Gras, canned (a meat paste processed from the livers of fat geese; imported).
 Wild Rabbits (rabbits which have not been produced, raised or fed in captivity).

(5) Miscellaneous category, as follows:

Bar le duc (a preserve consisting principally of whole white seeded currants, gooseberries, strawberries, or raspberries; imported).
 Capers (the flower bud of the caper bush; imported).
 Dehydrated Garlic Powder.
 Onion Powder and Onion Flakes.
 Tom and Jerry batter (a mixture of eggs, powdered or fresh, sugar or sugar syrup and spices beaten together and used generally for mixing with liquors and hot water in the preparation of a beverage called "Tom and Jerry").
 Truffles (imported).

(b) The following items in the feeds category:

Ground peanut hay.
 Whole crab and shrimp meal.

(c) The following items in the tobacco and tobacco products category:

Native or Island Twist Chewing Tobacco (twist chewing tobacco pressed flat and made of fire-cured or dark air-cured tobacco, or a combination of both, and treated with a casing mixture of molasses, syrup, glycerin, alcohol, and such flavorings as are normally used on twist tobacco consumed by the natives of New Guinea, the Solomon Islands and other islands in the Southwest Pacific area).

(d) The following items in the beverages category:

Bottled egg nog (a specialty holiday beverage, not containing any distilled spirits, made from fresh or powdered eggs, syrup, cream and milk).

(e) The following items in the agricultural chemicals and insecticide category:

Humus (a brown or black material formed by the partial decomposition of vegetable or animal matter. Commercially, the name is applied to Peat that has decayed to such an extent that "the structure of the fiber is no longer evident").

Muck (thoroughly decomposed organic deposits containing appreciable amounts of mineral matter, especially sand, silt and clay).

Sphagnum moss and peatmoss.

ARTICLE VI—SUSPENSIONS OF CERTAIN FOODS, GRAINS AND CEREALS, FEEDS, TOBACCO AND TOBACCO PRODUCTS, AGRICULTURAL CHEMICALS, INSECTICIDES AND BEVERAGES

SEC. 6.1 *Commodities suspended from price control.* Notwithstanding the provisions of any price regulation or order heretofore or hereafter issued (except an amendment of this order) by the Office of Price Administration, price control is suspended as to all purchases, sales and deliveries, unless otherwise stated below, of any of the machines, parts, industrial materials and services listed in the sections appearing under this article. These suspensions are for an indefinite period of time except when it is otherwise specifically provided by the Administrator.

SEC. 6.2 *Beverages.* (a) All bulk and packaged distilled spirits and wines other than the following:

- (1) All types of whiskies.
- (2) Distilled spirits and wines produced in the continental United States.
- (3) Distilled spirits and wines produced within a territory or possession and sold for consumption in such territory or possession.

ARTICLE VII—GENERAL PROVISIONS

SEC. 7.1 *Articles not affected by this order.* The provisions of this order do not exempt or suspend from price control articles which are not listed, although such articles may have incorporated in them or be sold with, articles which are exempted or suspended from price control.

SEC. 7.2 *Records.* Exemption or suspension from price control shall not affect the responsibility of a person to prepare and preserve records which, prior to exemption or suspension, were required to be kept under the provisions of the applicable price regulation or regulations. Records of individual transactions during the period of exemption or suspension need not be kept, unless the exemption or suspension action is accompanied by a provision requiring the keeping of such records.

SEC. 7.3 *Relationship between this order and other regulations.* The provisions of this supplementary order supersede the provisions of Supplementary Order 45 as to any commodity listed in this order.

Nothing in this order shall apply to sales of any commodities by an eating

and drinking establishment for consumption on or about the premises. Such sales remain subject to the appropriate price regulations applicable in the Territories and Possessions.

SEC. 7.4 *Definitions for the purpose of this supplementary order.* (a) "Person" means an individual, corporation, partnership, association, government agency, or any other organized group of persons or legal successor or representative of any of the foregoing.

(b) "Price regulation" means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, as amended, a maximum price regulation or temporary maximum price regulation issued by the Office of Price Administration, or any order issued pursuant to any such regulation or schedule.

(c) "Canned" means processed and packed in any container whether or not hermetically sealed. It does not include any product when processed by freezing, drying or dehydrating, nor does it include any of the packed products known as preserves, relishes or pickles.

(d) "War procurement agency" means the War Department, the Department of the Navy, the United States Maritime Commission, the War Shipping Administration, the Lend-Lease Section of the Procurement Division of the Treasury Department, and any agency of any of the foregoing.

SEC. 7.5 *Geographical applicability.* The provisions of this order shall be applicable to purchases, sales and deliveries in the Territories and Possessions of the United States, but not in the Territory of Hawaii.

This Revised Supplementary Order No. 127 shall become effective as of December 3, 1945.

Issued this 27th day of November 1945.

CHESTER BOWLES,
 Administrator.

[F. R. Doc. 45-21371; Filed, Nov. 27, 1945; 11:42 a. m.]

PART 1305—ADMINISTRATION

[ISO 131, Amdt. 6]

REVISED MAXIMUM PRICE FOR CERTAIN COTTON TEXTILES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Supplementary Order No. 131 is amended in the following respects:

1. Section 4 is amended by adding thereto paragraphs (hh) and (ii) to read as follows:

(hh) *Woven tickings.* (1) In Table VI of § 1316.61 (b) (4) of Revised Price Schedule No. 35,² the maximum prices for woven tickings are revised to read as

¹ 10 F.R. 11296, 11890, 12116, 13268, 13269, 13812.

² 8 F.R. 1936, 5309, 15006, 16744; 9 F.R. 2020, 2237, 2477, 2790, 3339, 7700, 9278, 9838, 10028, 10921; 10 F.R. 3876, 8129, 9669, 10293.

follows (differentials, except jobber's premiums, remain unchanged):

Type of ticking and yards per pound	Higher band	Lower band
	Cents per yard	Cents per yard
Twills:		
2.00.....	27.125	23.375
2.50.....	22.625	22.00
3.00.....	20.75	20.125
3.50.....	18.75	18.125
4.00.....	16.75	16.375
Sateens:		
2.00.....	32.75	31.875
2.67.....	25.50	24.875
3.00.....	22.625	22.00

(2) The seller's maximum price for woven tickings established by § 1400.101 (b) (2) of Maximum Price Regulation 118² is increased for the higher band by 16.82% and for the lower band by 13.67%.

(ii) *Ginghams, seersuckers and related fabrics.* The maximum prices for ginghams, seersuckers and other fabrics described in § 1400.118 (d) (10) (iii) of Maximum Price Regulation No. 118² and the maximum prices for fabrics of the types there described and established prior to November 26, 1945 by in-lining and reporting pursuant to § 1400.101 (b) (1) (ii), are increased for the higher band by 13.62% and for the lower band by 10.34%.

2. In sections 4 (z) (2) and (3), wherever the phrase "per lb." appears, it is deleted.

This amendment shall become effective November 26, 1945.

Issued this 26th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-21336; Filed, Nov. 26, 1945;
4:35 p. m.]

PART 1316—COTTON TEXTILES

[RPS 35, Amdt. 30]

CARDED GREY AND COLORED-YARN COTTON GOODS

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Table VI of Revised Price Schedule No. 35 is amended in the following respects:

1. In subdivision (viii) and in the caption thereof the word "jobbers" is changed to "wholesalers".

2. Subdivision (ix) is amended to read as follows:

(ix) *Sales by wholesalers.* Except as provided in (x) below, no producer of tickings and no person or concern controlling, controlled by, or under common control with the producer of tickings, shall be eligible to charge for tickings the wholesaler's maximum prices set forth in section 2.7 (a) of Supplementary Regulation No. 14E.²

¹ 8 F.R. 1936, 5309, 15906, 16744; 9 F.R. 2020, 2237, 2477, 2790, 3339, 7709, 9278, 9838, 10038, 19021; 10 F.R. 3876, 8129, 9669, 10293.

² 10 F.R. 1183, 2014, 4156, 7117, 7497, 7667, 9337, 9540, 9963, 10021, 11401, 12601, 12812, 13271, 13692, 13826.

³ 8 F.R. 12166, 12934; 9 F.R. 401, 10038, 10925, 14211, 14383, 14676; 10 F.R. 705, 857, 1492, 2025, 3875, 74, 8979, 10310.

3. Subdivision (x) is amended to read as follows:

(x) *Special premium for producer-wholesaler.* Wm. Whitaker & Sons, Philadelphia, Pa., may charge, in addition to the prices and differentials set forth above, a premium of 10.7% for plain twills and 15% for fancy twills and sateens.

This amendment shall become effective November 26, 1945.

Issued this 26th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-21334; Filed, Nov. 26, 1945;
4:35 p. m.]

Manufacturer	Model	Description	Retail price
Eureka.....	W-75.....	Cylinder type included: 12 piece attachment set.	\$36.50
Montgomery Ward & Co.....	129-A.....	Retail stores, 1945, cylinder type included: 11 piece attachment set.	42.75
	129-A.....	Mail order catalog, 1945, cylinder type included: 11 piece attachment set.	40.50
Westinghouse Electric & Mfg. Co.	F1-45.....	Floor type, motor driven brush.	39.95
	A1-45.....	8 piece attachment set.	14.95
	FA1-45.....	F1-45 floor cleaner and A1-45 attachments.	47.95
	H1-45.....	Hand type, motor driven brush.	13.95
	C1-45.....	Adapter.	3.95
	H1-45.....	H1-45 hand type cleaner and C1 adapter.	13.95
	AA-45.....	Cylinder type, included: 12 piece attachment set.	42.95
	FAA-45.....	Combination F1-45 floor cleaner and AA-45 7 piece attachment set.	54.45
	FHG-45.....	Combination F1-45 floor cleaner and H5-45 hand cleaner.	62.90

2. Section 1370.12 Appendix A, is amended by deleting from paragraph (a) the following models of vacuum cleaners:

Manufacturer	Model	Description	Retail price
Eureka.....	W-61.....	Cylinder type, included: 12 piece attachment set.	\$36.50
Montgomery Ward & Co.....	129.....	Retail stores, 1942 cylinder type, included: 11 piece attachment set.	42.90
Westinghouse Electric & Mfg. Co.	K-103.....	Floor type, motor driven brush.	49.95
	K-H-103 hand hand 173.....	Combination.	62.90
	K-123.....	Floor type motor driven brush.	39.95
	KA-45 and K-121.....	Attachments.	54.45
	A-45.....	Floor type, motor driven brush.	39.95
	AD-45 plus A-121.....	Attachments.	47.95
	A-53.....	Cylinder type, included: 9 piece attachment set.	44.95
	AA-45.....	Combination spray, DeMeth, wall brush.	49.95
	A-23.....	Hand type, motor driven brush adapter and attachments.	12.95
	A-173.....	Hand type, motor driven brush.	16.95
	A-631.....	Attachment set.	4.95
		DeMeth, floor polisher, tool bit.	10.00

This amendment shall become effective on the 27th day of November 1945.

Issued this 27th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-21370; Filed, Nov. 27, 1945;
11:43 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 2, Amdt. 3 to Supp. C]

GRAIN SORGHUMS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 12 of Supplement No. 6 to Food Products Regulation No. 2 is amended to read as follows:

SEC. 12. *Limitations on total markups of country shippers and merchandisers, and on service charges of commission merchants and brokers which may be*

PART 1370—ELECTRICAL APPLIANCES

[MPR 111, Amdt. 17]

NEW HOUSEHOLD VACUUM CLEANERS AND ATTACHMENTS

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register:

Maximum Price Regulation No. 111 is amended in the following respects:

1. Section 1370.12, Appendix A, is amended by adding to paragraph (a) the following models of vacuum cleaners to be inserted in alphabetical order:

included in a maximum price. Except for the markups provided in section 9 (b), 9 (c) (2) and 10 (b) (4), and the elevation charges provided in section 13 (b) of this supplement, the total of all markups and service charges provided for country shippers, merchandisers, commission merchants or brokers under the provisions of this supplement or under the provisions of Food Products Regulation No. 2 are subject to the limitations set forth below.

(a) The maximum price for the sale of any lot of grain sorghums shall never include an amount in excess of 16 cents per hundred as a total of all merchandising markups and of all service charges for brokers and commission merchants, but this maximum of 16 cents per hundred shall be subject to the further zoning limitations as to transactions in zones 1 and 2.

(1) If you are the first purchaser in Zone 1 of a carload quantity of grain sorghums originating or which have originated in Zone 2, on the sale to you such total shall not exceed 5 cents per

hundred: *Provided*, That this zoning limitation shall not apply to sales in Zone 1 by a selling office located in Zone 1 of a merchandiser otherwise entitled to a greater markup under section 2.5 of Food Products Regulation No. 2.

(2) When grain sorghums are delivered to anyone in Zone 1, except as provided in (1) above, such total shall not exceed 11 cents per hundred.

(3) If you are the first purchaser in Zone 2 of a carload quantity of grain sorghums originating in Zone 1, or of grain sorghums which has been marketed in Zone 1 previously, on the sale to you such total shall not exceed 11 cents per hundred: *Provided*, That this zoning limitation shall not apply to sales in Zone 2 by a selling office located in Zone 2 of a merchandiser otherwise entitled to a greater markup under section 2.5 of Food Products Regulation No. 2.

These are limitations on the total of markups and service charges which may be included in any maximum price. They may lessen, but will never increase, the amount of any single maximum markup or maximum service charge.

(b) As used in this section, "Zone 1" includes the states of Louisiana, Texas, New Mexico, Oklahoma, Arkansas, Missouri, Kansas and Colorado, and in addition, the cities of Vicksburg, Mississippi; Memphis, Tennessee; and Cairo and East St. Louis, Illinois.

As used in this section, "Zone 2" includes the District of Columbia and all states not included in Zone 1 as described above.

This amendment shall become effective December 3, 1945.

Issued this 27th day of November 1945.

CHESTER BOWLES,
Administrator.

Approved: November 13, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-21365; Filed, Nov. 27, 1945;
11:41 a. m.]

PART 1389—APPAREL

[2d Rev. MPR 578; Amdt. 2]

MAXIMUM PRICES FOR CERTAIN ESSENTIAL LOW PRICED GARMENTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Second Revised Maximum Price Regulation 578 is amended in the following respects:

1. Section 1 (b) is amended by deleting the word "This" from the first sentence of the first undesignated paragraph and inserting in its place the words "Except for sales excluded by paragraph (c) of this section, this."

2. Section 1 is amended by changing the designation of paragraph "(c)" to "(d)" and adding a new paragraph (c) to read as follows:

¹ 10 F.R. 9024, 9928.

(c) *What sales are excluded*—(1) *Sales by house-to-house sellers.* This regulation does not apply to sales by a "house-to-house seller." A "house-to-house seller" means a retailer who in the year 1944 secured at least 75% of his dollar volume of business through the personal solicitation of orders by salesmen calling at the homes or places of business of ultimate consumers, who are not commercial, industrial or institutional users. A retailer is a "house-to-house seller" only with respect to articles delivered other than as a manufacturing-retailer and pursuant to orders which had been solicited in the manner stated above.

(2) *Certain sales by mail order establishments.* This regulation does not apply to sales of garments sold in substantially the same form as purchased by a "mail order establishment" pursuant to orders based upon any catalogs, booklets, circulars or other forms of printed price lists which were printed before October 19, 1945. A "mail order establishment" means a person who regularly makes deliveries by mail to individual ultimate consumers in filling orders received by mail on the basis of catalogs, booklets, circulars or other forms of printed price lists.

3. Section 6 (e) is amended to read as follows:

(e) *Special marking provisions for retailers and wholesalers.* If a manufacturer has failed to mark the garments as required by this section, this required marking must be made by the retailer. A wholesaler who breaks the package shipped to him or who has reason to know the marking requirements have not been fulfilled, must mark the garment to conform to the marking required under this section.

4. Section 6 (f) is added to read as follows:

(f) *Exemption of garments sold through mail order establishments.* The marking requirements of this section do not apply to garments which are sold to, or by, mail order establishments (as defined in Section 1 (c) (2)).

5. The first two undesignated paragraphs of Appendix C are amended to read as follows:

APPENDIX C—WOOL GARMENTS

This appendix lists the cut-off prices for garments made of woolen or worsted fabrics. Any garment sold or delivered by the manufacturer or manufacturing-retailer at or below the net price listed in this appendix is covered by this regulation at all levels of distribution.

For purposes of this regulation a garment is considered to be made of woolen or worsted fabric if 50% or more of the yardage incorporated in the garment (exclusive of linings, bindings, and trimmings) is fabric containing 25% or more, by weight, of new, reprocessed or reused wool fiber.

6. The table in Appendix C is amended by deleting the words "knitted or woven" appearing in parentheses after the headings "Snow or skisuits", "Legging sets or coat and ski pants sets" and "Separate ski pants."

This amendment shall become effective December 3, 1945.

Issued this 27th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-21368; Filed, Nov. 27, 1945;
11:41 a. m.]

PART 1420—BREWERY, DISTILLERY AND WINERY PRODUCTS

[MPR 445; Amdt. 36]

DISTILLED SPIRITS AND WINES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 445 is amended in the following respects:

1. Section 6.3 (c) (2) is amended to read as follows:

(2) Packaging and casing domestic distilled spirits: A maximum price determined under section 4 (a) or 4 (b), as the case may be, of Revised Maximum Price Regulation 165 or the maximum price set forth below, whichever is higher.

Case of 12 quarts.....	\$1.80
Case of 12 4/5 quarts.....	1.80
Case of 15 4/5 quarts.....	1.88
Case of 24 4/5 pints.....	2.10
Case of 24 pints.....	2.10
Case of 48 1/2 pints.....	2.85
3 1 gallons.....	1.00
4 1 gallons.....	1.15
240 1/10 pint miniatures.....	6.60
192 1/10 pint miniatures.....	6.20
144 1/10 pint miniatures.....	3.90
72 1/10 pint miniatures.....	1.95

NOTE: Prices specified above include cost of strip stamps and their affixation as well as any other costs incurred in connection with the service of packaging and casing.

This amendment shall become effective December 3, 1945.

Issued this 27th day of November 1945.

CHESTER BOWLES,
Administrator.

Approved: November 16, 1945.

J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-21367; Filed, Nov. 27, 1945;
11:41 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14E; Amdt. 16]

MODIFICATION OF MAXIMUM PRICES ESTABLISHED BY GENERAL MAXIMUM PRICE REGULATION FOR CERTAIN TEXTILES, LEATHER AND APPAREL

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Section 2.7 is amended in the following respects:

1. Paragraph (q) is added to read as follows:

¹ 10 F.R. 7444, 8241, 9395, 9626, 10224, 11515, 11906, 12262, 12263.

² 10 F.R. 1183, 2014, 4156, 7117, 7497, 7667, 9337, 9540, 9963, 10021, 11401, 12601, 12813, 13271, 13692, 13826.

(q) *Maximum prices for woven tickings.* (1) This paragraph applies to sales at wholesale of woven (as distinguished from printed) tickings.

(2) As used in this paragraph the term "primary wholesaler" means a wholesaler who purchases woven tickings from a producer, and "secondary wholesaler" means a wholesaler who purchases woven tickings from a primary wholesaler and not from any producer.

(3) Notwithstanding the provisions of paragraphs (a) (2) and (a) (3) and paragraph (p), deliveries of woven tickings in any calendar month by a primary wholesaler to secondary wholesalers which aggregate not more than 2% of the total yardage of woven tickings delivered by the primary wholesaler to all his customers during the preceding calendar month shall be deemed to be in the performance of a recognized distributive function.²

(4) The maximum price for sales at wholesale by a primary wholesaler shall be the seller's net cost of the product as billed to him by his supplier (not to exceed the producer's ceiling less available cash discount) increased by the applicable multiplier set forth in subparagraph (6) below.

(5) The maximum price for woven tickings purchased from a primary wholesaler and sold at wholesale by a secondary wholesaler shall be the seller's net cost of the product as billed to him by his supplier increased by the applicable multiplier set forth in subparagraph (6) below.

(6) The multipliers set forth in this subparagraph (6) shall be applicable to the following types of woven tickings:

Type of woven tickings	Multiplier
Tickings made in weaves requiring a Jacquard loom	1.25
Sateen tickings and tickings made in weaves which do not require a Jacquard loom but which contain more than one color (other than white or grey warp or colored selvege)	1.15
All other woven tickings	1.107

Where shipment of woven tickings, other than tickings made in weaves requiring a Jacquard loom, is made from any wholesaler's warehouse in assortments requiring repackaging, the wholesaler may charge an additional 4.35%: *Provided*, That in such cases the wholesaler shall, without charge, deliver the goods to the place of business of local customers or, in the case of other customers, to the carrier. As used herein the term "local customer" means a customer whose place of business is located in the same metropolitan area as the wholesaler.

2. Paragraph (b) (6) (iv) is added to read as follows:

(iv) Woven tickings.

This amendment shall become effective November 26, 1945.

² Sales in excess of the 2% and all other jobber or wholesale sales not in the performance of a recognized distributive function continue to be covered by Revised Price Schedule No. 35 or Maximum Price Regulation No. 118, whichever is applicable.

Issued this 26th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Dec. 45-21335; Filed, Nov. 20, 1945; 4:35 p. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SILK-SYNTHETICS, AND ADMIXTURES

[MPR 127, Incl. Amdts, 1-37]

FINISHED PIECE GOODS

This compilation of Maximum Price Regulation 127 includes Amendment 37, effective December 3, 1945. The text added or amended by Amendment 37 is underscored.

In the judgment of the Price Administrator, the prices of finished piece goods have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of finished piece goods prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations³ involved in the issuance of this regulation has been prepared, issued simultaneously herewith and has been filed with the Division of the Federal Register.

Such specifications and standards as are used in this regulation or schedule were, prior to such use, in general use in the trade or industry affected or have previously been promulgated and their use lawfully required by another government agency.

[Preamble amended by Supplementary Order No. 71, 8 F.R. 12556, effective 9-11-43]

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,⁴ issued by the Office of Price Administration, Maximum Price Regulation No. 127 is hereby issued.

Sec.

- 1400.71 Maximum prices for finished piece goods.
- 1400.72 Less than maximum prices.
- 1400.73 Conditional agreements.
- 1400.74 Evasion.
- 1400.75 Records.
- 1400.76 Reports.
- 1400.77 Details required in contract of sale or invoice.
- 1400.78 Exempt sales.
- 1400.78a War procurement.
- 1400.79 Enforcement.
- 1400.79a Licensing.

¹ 9 F.R. 2464, 3031.

² Statements of considerations are also issued simultaneously with amendments.

³ Copies may be obtained from the Office of Price Administration.

⁴ Revised: 9 F.R. 10476, 13716; 10 F.R. 11295.

Sec.

- 1400.80 Petitions for amendment or adjustment.
- 1400.81 Definitions.
- 1400.82 Appendix A: Maximum prices for finished piece goods.
- 1400.83 Temporary Maximum Price Regulation No. 10—Finished Piece Goods Made of Cotton, Rayon and Mixtures Thereof.
- 1400.84 Effective date.
- 1400.85 Effective dates of amendments.

Authority: §§ 1400.71 to 1400.85, inclusive, issued under E.O. Stat. 23, 763; 57 Stat. 563; Pub. Law 363, 75th Cong.; Pub. Law 103, 75th Cong.; E.O. 9259, 7 F.R. 7571; E.O. 9323, 8 F.R. 4031; E.O. 9333, 10 F.R. 10155.

§ 1400.71 *Maximum prices for finished piece goods.* On and after May 4, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver finished piece goods, and no person shall buy or receive finished piece goods in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1400.82; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of finished piece goods to a purchaser if prior to May 4, 1942 such finished piece goods had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser, or if within the terms of the Worth Street Rules title to such finished piece goods had passed to the purchaser prior to May 4, 1942.

[Note: Supplementary Order No. 7 (7 F.R. 5176) provides that war procurement agencies and governments whose defense is vital to the defense of the United States shall be relieved of liability, civil or criminal, imposed by price regulations issued by the Office of Price Administration.]

§ 1400.72 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1400.82) may be charged, demanded, paid or offered.

§ 1400.73 *Conditional agreements.* No seller of finished piece goods shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1400.82, in the event that this Maximum Price Regulation No. 127 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment (or for adjustment or for exception under § 1400.82 (d) (3)) has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment (or for adjustment or exception, as the case may be). Requests for such an exception may be included in the aforesaid petition for amendment (or for adjustment or for exception under § 1400.82 (d) (3)).

§ 1400.74 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 127 shall not be evaded,

whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to finished piece goods, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1400.75 *Records.* (a) On and after May 4, 1942, every person making a purchase, sale or delivery of finished piece goods in the course of trade or business, or otherwise dealing in finished piece goods shall keep for inspection by the Office of Price Administration, for a period of not less than two years, complete and accurate records of each such purchase, sale, or delivery, showing the date thereof, the terms of sale, the name and address of the buyer or seller, the price paid or received, and the quantity of each type, quality and finish of finished piece goods purchased or sold, and including (in the case of the seller) a record of all items necessary to verify the computation of the maximum price for the finished piece goods.

(b) Persons required to submit reports under § 1400.76 shall, in addition to the records required above, keep for inspection by the Office of Price Administration, for a period of not less than two years, complete and accurate records of all items necessary to verify such reports.

§ 1400.76 *Reports.* (a) Persons subject to this Maximum Price Regulation No. 127 shall submit such reports as the Office of Price Administration may from time to time require.

§ 1400.77 *Details required in contract of sale or invoice.* (a) Every seller of finished piece goods shall, with respect to each sale thereof, deliver to the purchaser and the purchaser shall retain as a part of his records, either a contract of sale or an invoice which shall contain, in addition to the terms thereof, a full description of each type, quality and finish of finished piece goods sold, or a style number or symbol sufficient to identify in the seller's records maintained pursuant to § 1400.75 hereof, the full details of the construction so delivered.

(b) If the seller is the converter of the fabric sold, the contract of sale or invoice shall contain a statement of the division factors (as specified in § 1400.82 (g)) used in determining the maximum price.

[Paragraph (b) amended by Am. 26, 9 F.R. 14014, effective 12-3-44]

(c) If the seller is a wholesaler, jobber or converter-jobber selling jobbed goods, the contract of sale or invoice shall contain:

(1) If the purchaser is a person other than a wholesaler, jobber, converter-jobber or export merchant, a statement of the division factor used in computing the selling price or a statement that the net selling price does not exceed the maximum price permitted under Maximum Price Regulation No. 127;

(2) If the purchaser is a wholesaler, jobber, converter-jobber, or export merchant, a statement showing:

(i) The selling price; and

(ii) The exact maximum price which the seller would be entitled to charge Class I and Class II purchasers.

[§ 1400.77 amended by Am. 2, 7 F.R. 4180, effective 6-3-42]

§ 1400.78 *Exempt sales.* The provisions of this Maximum Price Regulation No. 127 shall not apply to the following:

(a) Sales at retail.

(b) Sales of:

(1) Finished piece goods by decorative goods jobbers.

(2) Ecclesiastical fabrics by a producer or converter thereof.

(3) Metallic fabrics by a producer or converter thereof.

(4) Loom-finished fabrics by a producer who before such sale has filed his name and address with the Office of Price Administration, Washington 25, D. C.

(5) Finished fabrics by a converter or producer which:

(i) Are 54 inches or more in finished width;

(ii) Weigh in excess of 12½ oz. per linear yard of 56 inch width;

(iii) Contain 8 per cent or more wool by weight; and

(iv) Are finished on the woolen or worsted system.

[Paragraph (b) amended by Am. 34, 10 F.R. 11148, effective 8-28-45]

(c) Sales or purchases of:

(1) Any fabric covered by Revised Price Schedule No. 35—Carded Grey and Colored Yarn Cotton Goods.

(2) Any fabric covered by Maximum Price Regulation No. 39—Upholstery Furniture Fabrics.

[Subparagraph (2) amended by Am. 11, 8 F.R. 4861, effective 4-19-43]

(3) Woven tickings heavier than 4.95 yards per lb. and not in weaves requiring Jacquard looms.

(4) Any fabric covered by Revised Price Schedule No. 89—Bed Linens.

(5) Abrasive cloth.

(6) Adhesive hollandas.

(7) Artificial leather or other pyroxylin coated fabrics.

(8) Awning cloths.

(9) Belting.

(10) Blue-print cloth.

(11) Bookbinding hollandas.

(12) Bunting for blankets.

(13) Cheese cloth.

(14) Corduroy.

(15) Cotton pile fabrics.

(16) Embroidery.

(17) Filter cloths.

(18) Flag cloths (yarn dyed).

(19) Insulation cloth.

(20) Knit goods.

(21) Nottingham lace.

(22) Oil cloth.

(23) Outing flannels.

(24) Separator cloth.

(25) Surgical gauze.

(26) Tag (label) cloth.

(27) Towels and toweling, other than printed toweling.

[Subparagraph (27) amended by Am. 17, 9 F.R. 1906, effective 2-23-44]

* 8 F.R. 1963, 5306, 15906, 16744; 9 F.R. 2020, 2237, 2477, 2790, 3339, 7700, 9278, 9838, 10088, 10921; 10 F.R. 3876, 8129, 9669, 10293.

* 9 F.R. 14067; 10 F.R. 4662, 11663.

* 7 F.R. 1375, 2107, 2299, 2739, 3163, 3327, 3447, 3962, 4176, 4732, 7599, 8937; 8 F.R. 8087, 11245; 9 F.R. 1717, 9816; 10 F.R. 6645.

(28) Transparent cloth (envelope and tracing cloth).

(29) Waterproof ducks (tarpaulins, truck covers).

(30) Window shade hollandas.

(31) Finished piece goods imported from a foreign country.

(32) Any fabric covered by Maximum Price Regulation No. 118—Cotton Products.

[Subparagraph (32) amended by Am. 3, 7 F.R. 4454, effective 6-15-42]

(33) Yarn-dyed fabrics predominantly used for upholstery, furniture and automobile slip covers, or draperies.

(34) Pound goods.

(35) Remnants less than 10 yards in length and individual dress length remnants less than 10 yards in length sold by the piece or by the bundle.

(36) Rubber coated fabrics.

[Subparagraphs (33) through (36) added by Am. 2, 7 F.R. 4180, effective 6-3-42]

(37) Fabrics coated with a cellulose ester, cellulose ether, synthetic resin or oxidizable oil, for waterproofing or other similar purpose.

[Subparagraph (37) added by Am. 2, 7 F.R. 4180, effective 6-3-42; and amended by Am. 7, 7 F.R. 5676, effective 7-23-42]

(38) Velvets woven on a velvet or plush loom.

[Subparagraph (38) added by Am. 2, 7 F.R. 4180]

(39) [Revoked]

(40) [Revoked]

[Subparagraphs (39) and (40) added by Am. 6, 7 F.R. 5364, effective 7-14-42, and revoked by Am. 34, 10 F.R. 11148, effective 8-28-45]

(41) [Revoked]

[Subparagraph (41) added by Am. 9, 7 F.R. 5364, effective 7-14-42; amended by Am. 8, 7 F.R. 6653, effective 8-26-42; Am. 10, 8 F.R. 3057, effective 3-16-43, and revoked by Am. 34, 10 F.R. 11148, effective 8-28-45]

(42) Woven or printed decorative pattern fabrics composed in an amount of 75% or more by weight of synthetic yarn, and sold exclusively for use by necktie manufacturers: *Provided*, That any person before selling such fabrics shall, unless he has already done so, file his name and address with the Office of Price Administration, Washington, D. C., certifying that only such fabrics as are sold exclusively for use by necktie manufacturers will be sold hereunder.

[Subparagraph (42) added by Am. 6, 7 F.R. 5364, effective 7-14-42; amended by Am. 8, 7 F.R. 6653, effective 8-26-42; Am. 9, 7 F.R. 9823, effective 12-1-42; and Am. 10, 8 F.R. 3057, effective 3-16-43]

(43) Typewriter ribbon cloth finished from imported plain woven goods, 36 to 44 inches in grey width, made of combed or super-combed Egyptian or Sea Island cotton yarn.

[Subparagraph (43) added by Am. 7]

(44) [Revoked]

[Subparagraph (44) added by Am. 7, 7 F.R. 5676, effective 7-23-42, and revoked by Am. 34, 10 F.R. 11148, effective 8-28-45]

(45) Fabrics coated or impregnated with paraffin wax or similar substance

* 8 F.R. 12186, 12034; 9 F.R. 401, 10089, 10925.

and used as a substitute for glass, when sold by wholesalers or jobbers.

[Subparagraph (45) added by Am. 9, 7 F.R. 8923, effective 12-4-42]

(46) Corset and brassiere fabrics sold by a corset accessories supplier to be used in the making of corsets, brassieres, surgical garments and similar articles, or in the repairing or alteration thereof.

[Subparagraph (46) added by Am. 11, 8 F.R. 4951, effective 4-19-43]

(d) Sales of finished piece goods to manufacturers, repairers and alterers of fur garments by a furrier supplier who, on or before August 31, 1942, filed his name and address with the Office of Price Administration, Washington, D. C., certifying that he fell within the definition of furrier supplier as set forth in § 1400.81 (a) (15) of this Maximum Price Regulation No. 127.

(e) Sales of finished piece goods to custom shirtmakers by a custom shirtmaker's supplier: *Provided*, That any person exempted by this paragraph (e) shall, on or before August 31, 1942, file his name and address with the Office of Price Administration, Washington, D. C.

[Paragraph (e) added by Am. 6, 7 F.R. 5364, effective 7-14-42; amended by Am. 8, 7 F.R. 6553, effective 8-26-42]

(f) Sales of finished piece goods to shoe manufacturers and shoe ornament manufacturers by a woman's shoe fabric supplier who, on or before August 31, 1942, filed his name and address with the Office of Price Administration, Washington, D. C., certifying that he was a woman's shoe fabric supplier as defined in § 1400.81 (a) (11) of this Maximum Price Regulation No. 127.

(g) Sales of finished piece goods to persons engaged in the production, repair or alteration of millinery by a milliners' supply house who, on or before August 31, 1942 filed his name and address with the Office of Price Administration, Washington, D. C.

(h) Sales of finished piece goods to a tailor engaged in the production of individually ordered items of apparel or in the repair and alteration thereof by a tailor trimming store who, on or before August 15, 1945, files his name and address with the Office of Price Administration, Washington, D. C., certifying that he is a tailor trimming store as defined in § 1400.81 (a) (17) of this Maximum Price Regulation No. 127, and receives written acknowledgment of such filing.

(i) Sales of finished piece goods to dressmakers engaged in the production of individually ordered items of apparel or in the repair or alteration thereof by a jobber who is a dressmakers' supply house who, on or before August 31, 1942, filed his name and address with the Office of Price Administration, Washington, D. C.

[Paragraphs (d), (f), (g), (h) and (i) added by Am. 6, 7 F.R. 5364, effective 7-14-42; and amended by Am. 8, 7 F.R. 6553, effective 8-26-42; and Am. 32, 10 F.R. 8857, effective 7-21-45]

(j) Sales and deliveries of printed woven decorative fabrics as defined in Maximum Price Regulation No. 39 when such sales or deliveries are made by a

person whose principal business with respect to such fabrics during the period between January 1, 1941 and March 31, 1942 was in fabrics selling at a price of 35 cents or more per yard: *Provided*, That any such person shall, on or before August 31, 1942 file his name and address with the Office of Price Administration, Washington, D. C.

[Paragraph (j) added by Am. 7, 7 F.R. 5575, effective 7-23-42; amended by Am. 8, 7 F.R. 6553, effective 8-26-42]

(k) Sales of finished piece goods to manufacturers of artificial flowers by an artificial flower manufacturers' supplier who, on or before August 31, 1942, filed his name and address with the Office of Price Administration, Washington, D. C., certifying that he was an artificial flower manufacturers' supplier as defined in § 1400.81 (a) (20) of this Maximum Price Regulation No. 127.

[Paragraph (k) added by Am. 7, 7 F.R. 5575, effective 7-23-42; and amended by Am. 8, 7 F.R. 6553, effective 8-26-42; and Am. 32, 10 F.R. 8857, effective 7-21-45]

(1) [Revoked]

[Paragraph (l) added by Am. 12, 8 F.R. 8923, effective 7-5-43; and amended by Am. 17, 9 F.R. 1808, effective 2-23-44; Am. 30, 10 F.R. 4816, effective 5-7-45; revoked by Am. 32, 10 F.R. 8857, effective 7-21-45]

§ 1400.78a *War procurement.* (a) Sales and deliveries to a war procurement agency of finished piece goods of the types and made to the specifications (in their present form or as hereafter amended) listed below shall be exempt from maximum prices, by whatsoever regulation or schedule established, until July 15, 1942. On and after July 15, 1942, but not prior thereto, such sales and deliveries shall be subject to Maximum Price Regulation No. 157.

(1) Revoked.

[Subparagraph (1) revoked by Am. 24, 9 F.R. 12639, effective 10-18-44]

(2) 27 T 25 (bleached and shrunk twill).

(3) Marine Corps Specification November 22, 1937 (Shrunk khaki suiting).

(4) P. Q. D. No. 95 (6 oz. combed twill).

(5) P. Q. D. No. 1 (wind resistant cloth).

(6) 6-100B (lining twill).

(7) P. Q. D. No. 17-A (mosquito netting).

(8) 27 C 13 (INT) a (balloon cloth).

(9) 6-39-G (balloon cloth).

(10) AN-CCC-C-399 (airplane cloth).

(11) Marine Corps Specification April 18, 1934, Revised to March 10, 1942 (marine shirting).

(12) M 54 (rubberized fabric).

(13) 27 L 6 (black lining twill).

(14) Specifications described in Invitation Neg. 336 (balloon cloth substitute).

(15) Any of the finished fabrics designated in Schedule A of Direction No. 11, issued March 17, 1945 (amended July 14, 1945) by the War Production Board under its General Conservation Order M-317 when delivered to the War Department pursuant to prime contracts entered into during the period beginning

§ 9 F.R. 11059; 10 F.R. 776, 1910, 2014, 3567, 6979.

April 16, 1945 and ending December 31, 1945.

[Subparagraph (15) added by Am. 21, 9 F.R. 4579, effective 6-5-44; amended by Am. 23, 9 F.R. 12920, effective 9-30-44; and Am. 23, 9 F.R. 12967, effective 10-31-44; Am. 23, 10 F.R. 2933, effective 3-27-45; Am. 31, 10 F.R. 6393, effective 6-4-45; and Am. 33, 10 F.R. 8373, effective 7-18-45]

[§ 1400.78a added by Am. 6, 7 F.R. 5364, effective 7-14-42]

§ 1400.79 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 127 are subject to the civil and criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 127 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1400.79a *Licensing.* The provisions of Licensing Order No. 1, ¹ Licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[§ 1400.79a added by Supplementary Order No. 72, 8 F.R. 13244, effective 10-1-43]

§ 1400.80 *Petitions for amendment or adjustment.* (a) Any person seeking an amendment of any provisions of this Maximum Price Regulation No. 127 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

[Former text designated (a) by Am. 6, 7 F.R. 5364, effective 7-14-42; and amended by Supplementary Order No. 26, 7 F.R. 5348, effective 11-4-42]

(b) [Revoked]

[Paragraph (b) added by Am. 6, 7 F.R. 5364, effective 7-14-42; amended by Am. 11, 8 F.R. 4951, effective 4-19-43; and revoked by Am. 12, 8 F.R. 8923, effective 7-5-43]

(c) [Revoked]

[Paragraph (c) added by Am. 7, 7 F.R. 5575, effective 7-23-42; revoked by Am. 10, 8 F.R. 3957, effective 3-16-43]

[Norm: Procedural Regulation No. 6 (9 F.R. 10623; 10 F.R. 13623) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order No. 9 (8 F.R. 6175) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, with the exception of those which expressly prohibit such applications, and certain specific regulations listed in Revised Supplementary Order No. 9.]

[Norm: Supplementary Order No. 23 (7 F.R. 6319; 8 F.R. 7259) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary

§ 8 F.R. 13249.

increase requiring the approval of the National War Labor Board.]

§ 1400.81 *Definitions.* (a) When used in this Maximum Price Regulation No. 127, the term:

(1) "Person" includes an individual corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Finished piece goods" means woven fabrics, more than 12 inches in width, bleached, dyed, printed, mercerized or otherwise finished or processed, composed—in the amount of seventy-five per cent or more by weight—of either cotton fibre or chemically produced yarn or fibre, or any mixtures thereof, regardless of what other material may be included in the fabric.

[Subparagraph (2) amended by Am. 2, 7 F.R. 4180, effective 6-3-42; and Am. 13, 8 F.R. 12935, effective 9-27-43]

(3) "Class I purchaser" means an export merchant, foreign purchaser or agent of a foreign purchaser, any agency of the Federal Government, any agency of a State, county or municipal government, a cutter, manufacturer, mail order house purchasing for mail order sale, converter-jobber, jobber or wholesaler (except as provided in subparagraph (4) of this paragraph), a retailer (except as provided in subparagraph (4) of this paragraph) or any purchaser of a similar class not specifically enumerated herein.

[Subparagraph (3) amended by Am. 2, 7 F.R. 4180, effective 6-3-42; Am. 5, 7 F.R. 4762, effective 8-25-42 and Am. 30, 10 F.R. 4816, effective 5-7-45]

(4) "Class II purchaser" means a retailer (whether independent retailer or chain store but not including a mail order house purchasing for mail order sale) purchasing finished piece goods in cut lengths of 40 yards or less for resale as such at retail; a wholesaler purchasing finished piece goods in cut lengths of 40 yards or less for resale to other Class II purchasers; a private hospital or other similar private institution, a hotel, steamship company, canvasser, tailor supply store, tailor trimming store, decorative goods jobber, interior decorator, milliners' supply house, dressmakers' supply house, custom shirt makers' supply house, or any purchaser of a similar class not specifically enumerated herein.

[Subparagraph (4) amended by Am. 5, 7 F.R. 4762, effective 8-25-42; Am. 6, 7 F.R. 5364, effective 7-14-42 and Am. 30, 10 F.R. 4816, effective 5-7-45]

(5) "Converter" means a person who sells finished piece goods after having finished such goods or after causing them to be finished for his account.

(6) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no cutter, manufacturer, purchaser for resale, or other commercial user shall be deemed to be an ultimate consumer.

(7) "Export merchant" means a jobber of finished piece goods engaged in exporting finished piece goods (either exclusively or in addition to selling such goods in the domestic market) who (i) buys goods for his own account, (ii) takes

title to the goods, (iii) sells them direct, or through customary trade channels, to foreign purchasers or agents of foreign purchasers, and (iv) assumes all risks of loss until title to the goods passes to the foreign buyer according to the terms of the sale.

(8) "Decorative goods jobber" means a person customarily engaged in the business of and whose principal business consists of selling upholstery fabrics, drapery fabrics, slip cover fabrics and other finished piece goods, in cut lengths of specified yardage, to interior decorators.

(9) "Converter-jobber" means a converter who is also a jobber or wholesaler, and includes a jobber or wholesaler controlling, controlled by or under common control with a converter.

[Subparagraph (9) added by Am. 2, 7 F.R. 4180, effective 6-3-42; amended by Am. 26, 9 F.R. 14014, effective 12-3-44]

(9a) "Jobber" means a person who purchases and resells, otherwise than at retail, finished piece goods.

[Subparagraph (9a) added by Am. 26; amended by Am. 30, 10 F.R. 4816, effective 5-7-45]

(10) "Atlantic seaboard States" means Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, District of Columbia, West Virginia, North Carolina, South Carolina, Georgia, Tennessee, Florida, Kentucky, Alabama and Mississippi.

[Subparagraph (10) added by Am. 2, 7 F.R. 4180, effective 6-3-42]

(11) "Women's shoe fabric supplier" means a person engaged in the business of and whose principal business consists of supplying to shoe manufacturers and shoe ornament manufacturers fabrics destined for use as outer fabrics, heel coverings, linings and ornaments for women's novelty shoes (a substantial part of such business being done in outer fabrics), and who, by business custom, has customarily given to such manufacturer a warranty that the fabric is suitable as a shoe fabric.

(12) "Ecclesiastical fabrics" means finished piece goods woven, printed, dyed or embossed in colors, patterns or designs prescribed by religious law or tradition, and sold exclusively for use in the manufacture of religious accessories.

(13) "Metallic fabrics" means finished piece goods which contain woven metal in the amount of five percent or more by weight.

[Subparagraphs (11), (12) and (13) added by Am. 6, 7 F.R. 5364, effective 7-14-42]

(14) "Loom-finished fabrics" means piece goods which (i) are woven on a non-automatic loom; (ii) are made from warps of 800 yards or less; (iii) are woven on the basis of 6 looms or less per weaver; (iv) are produced in quantities of 5000 yards or less per warp design per month; (v) require no finishing other than calendering or framing after leaving the loom; and (vi) constitute a type not commercially traded in as grey goods.

[Subparagraph (14) added by Am. 6, 7 F.R. 5364, effective 7-14-42; amended by Am. 9, 7 F.R. 9823, effective 12-1-42 and Am. 84, 10 F.R. 11148, effective 8-28-45]

(15) "Furrier supplier" means a person customarily engaged in the business of and whose principal business with respect to finished piece goods consists of supplying to manufacturers, repairers and alterers of fur garments, finished piece goods in cut lengths of specified yardage, and includes any person engaged exclusively in supplying to manufacturers, repairers and alterers of fur garments fabrics constructed and processed especially for fur linings.

[Subparagraph (15) added by Am. 6, 7 F.R. 5364, effective 7-14-42; and amended by Am. 7, 7 F.R. 5675, effective 7-23-42]

(16) (i) "War procurement agency" means the War Department, the Department of the Navy, the United States Maritime Commission, and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any agency of the foregoing, and shall be deemed to include stores operated as Army Canteens, post exchanges or ship's service activities. The term "war procurement agency" shall also include "contractor" and "subcontractor" as defined in subdivision (ii) of this subparagraph.

(ii) "Contractor" and "subcontractor" means any person who contracts to sell finished piece goods or a commodity processed or made from such goods to, respectively, any war procurement agency or any person who physically incorporates such goods or a commodity processed or made from such goods in an article being processed or made for any war procurement agency. No such person shall, however, be deemed to be a contractor or subcontractor with respect to any contract for sale unless, at the date of the delivery of such goods or commodity pursuant thereto, there is an existing contract with a war procurement agency or a subcontract with a prime contractor who has an existing contract with a war procurement agency, and such delivery takes place with reference to the ultimate fulfillment of such existing contract or subcontract.

[Subparagraph (16) added by Am. 6, 7 F.R. 5364, effective 7-14-42; amended by Am. 10, 8 F.R. 3057, effective 3-16-43; and Am. 11, 8 F.R. 4851, effective 4-19-43]

(17) "Tailor trimming store" includes a tailor supply house, and means a person 60% of whose sales of finished piece goods during the year 1941 were in cut lengths of specified yardage, and who sold such finished piece goods and other supplies to tailors engaged in the production of individually ordered items of apparel or in the repair or alteration thereof.

[Subparagraph (17) added by Am. 6, 7 F.R. 5364, effective 7-14-42; amended by Am. 32, 10 F.R. 8857, effective 7-21-45]

(18) "Dressmakers' supply house" means a person engaged in the business of and whose principal business consists of supplying finished piece goods in cut lengths of specified yardage and other supplies to dressmakers engaged in the production of individually ordered items of apparel or in the repairing or alteration thereof.

(19) "Milliners' supply house" means a person engaged in the business of and whose principal business consists of supplying finished piece goods in cut lengths

of specified yardage and other supplies to persons engaged in the producing, repairing or altering of millinery.

[Subparagraphs (18) and (19) added by Am. 6, 7 F.R. 5364, effective 7-14-42]

(20) "Artificial flower manufacturers' supplier" means a person engaged in the business of and whose business with respect to finished piece goods consists exclusively of supplying specially finished piece goods for use in the manufacture of artificial flowers, to persons engaged in such manufacture.

[Subparagraph (20) added by Am. 7, 7 F.R. 5675, effective 7-23-42]

(21) "Producer" means the person in whose mill grey or colored-yarn goods are woven, and includes any agent of the producer and any person controlling, controlled by, or under common control with the producer.

[Subparagraph (21) added by Am. 9, 7 F.R. 9823, effective 12-1-42]

(22) "Corset, accessories supplier" means a person engaged in the business of and whose principal business consists of supplying finished piece goods in cut lengths of specified yardage and other supplies to corsetieres, or producers engaged in the production of individually ordered corsets, brassieres, surgical garments and similar garments or in the repairing or alteration thereof.

[Subparagraph (22) added by Am. 11, 8 F.R. 4851, effective 4-19-43]

(23) "Wholesaler" means only a person whose total sales of finished piece goods in any calendar quarter are less than 25% of his total sales of all commodities and to whom all of the following statements apply:

(i) More than 50% of his sales of finished piece goods are to retailers for resale as such at retail;

(ii) He buys and sells finished piece goods in "wholesale quantities" as understood in the trade, and sells through travelling salesmen, circulated price lists, or catalogs;

(iii) He carries a stock of finished piece goods at his principal place of business and makes at least 50% of his finished piece goods deliveries from stock (as opposed to drop shipments);

(iv) He extends credit and carries his own accounts, (even though he entrusts, assigns or sells his accounts to others for collection);

(v) He is not (a) a buying office or other agency representing retailers, (b) a stock-carrying affiliate of retailers, (c) a central office or warehouse for retailers which are commonly owned or controlled, (d) a broker, or (e) a selling agent.

(24) "Mail order house" means a person, selling at retail, who makes offerings through catalogs or written price lists, and receives orders and delivers by mail or common carrier.

[Subparagraphs (23) and (24) added by Am. 30, 10 F.R. 4816, effective 5-7-45]

(25) "Better rayon fabrics" means finished piece goods which

(i) Consist to the extent of 75% or more of rayon or synthetic fiber; and

(ii) If white or plain dyed are made from grey goods having a ceiling price in the grey of more than 40¢ per yard on a grey width basis of 42 inches;¹² and (iii) (a) are sold to dress manufacturers whose minimum price line for rayon or synthetic fiber dresses is \$16.75 at the time of the sale, or

(b) Are of the same construction and finish as such goods but are sold to retailers for resale to the ultimate consumer, or

(c) Are sold to retailers for resale to the ultimate consumer and are of a plain-dyed type or of a printed type which sold for not less than, respectively, 85¢ or \$1.00 per yard during 1941.

[Subparagraph (25) added by Am. 32, 10 F.R. 8857, effective 7-21-45]

(26) "Wholesaling-Jobber" means a person who purchases and resells, otherwise than at retail, finished piece goods and to whom all of the following statements apply:

(i) He commenced doing business as a jobber before January 1, 1942.

(ii) All of his sales of finished piece goods since January 1, 1942 have been sales of jobbed goods;

(iii) At least 90 per cent of his sales of finished piece goods during the years 1941, 1942, 1943 and 1944 were made to retailers;

(iv) He carries a stock of finished piece goods at his principal place of business and makes at least 75% of his finished piece goods deliveries from stock (as opposed to drop shipments);

(v) He is not¹³ (a) a buying office or other agency representing retailers, (b) a stock-carrying affiliate of retailers, (c) a central office or warehouse for retailers which are commonly owned or controlled, (d) a broker, or (e) a selling agent;

(vi) He has filed a statement with the Office of Price Administration, Washington 25, D. C. stating:

(a) When he commenced doing business as a jobber;

(b) Whether he has, since January 1, 1942, sold finished piece goods converted by himself;

(c) For each of the years 1941, 1942, 1943 and 1944 the total dollar amount of his sales of finished piece goods and the total dollar amount of his sales of finished piece goods to retailers;

(d) Whether he carries a stock of finished piece goods at his principal place of business and, for every three month period since July 1, 1944, the percentage of the total dollar amount of his finished piece goods deliveries that represents deliveries made from stock;

¹² The ceiling price of grey goods wider than 42" shall be reduced proportionately for the purpose of determining whether such grey goods fall within this restriction.

(e) His affiliations, if any, with any retailers, converters or textile manufacturers.

(vii) He has received, from the Office of Price Administration, an acknowledgement of the receipt of the statement required to be filed by (vi) above.

(27) "Pacific Coast jobber" means a person who purchases and resells, otherwise than at retail, finished piece goods and to whom all of the following statements apply:

(i) He commenced doing business as a jobber before January 1, 1942, and his principal place of business since then has been located in California, Oregon, or Washington;

(ii) He carries a stock of finished piece goods at his principal place of business and makes at least 75% of his finished piece goods deliveries from stock (as opposed to drop shipments).

(iii) At least 50% of his business during the year 1941 or such part of that year as he acted as a jobber consisted of sales of finished piece goods owned by him (as opposed to sales of finished piece goods as a sales-agent for some other person).

(iv) He has filed a statement with the Office of Price Administration, Washington 25, D. C. stating:

(a) When he commenced doing business as a jobber;

(b) Where his principal place of business has been located since January 1, 1942;

(c) Whether he carries a stock of finished piece goods at his principal place of business and, for the year 1944 and every three-month period since January 1, 1945, the percentage of the total dollar amount of his finished piece goods deliveries that represents deliveries made from stock;

(d) Whether, during the year 1941, he sold finished piece goods as a sales-agent for some other person and if so, the percentage of his total dollar amount of finished piece goods sales that represents sales as a sales-agent for some other person.

(v) He has received from the Office of Price Administration an acknowledgement of the receipt of the statement required to be filed by (iv) above.

[Subparagraphs (26) and (27) added by Am. 37, effective 12-3-45]

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1400.82 Appendix A: Maximum prices for finished piece goods—(a) Method of determining maximum

prices.¹⁴ (1) *Normal method of determining maximum prices.* Except as otherwise specifically provided in this section, the maximum net selling price f. o. b. point of shipment¹⁵ for finished piece goods shall be determined by the following three steps:

Step A. Determine the sum of items 1, 2, 3 and 4 listed below and divide that sum by the division factor indicated in paragraph (g) for use in connection with those four items.

Step B. Divide item 5 listed below by the division factor indicated in paragraph (g) for use in connection with finishing cost. This division factor will be a different one from that used in Step A.

Step C. Add together the results arrived at in Step A and Step B.

(1) Basic grey goods cost, determined in accordance with paragraph (b) of this section.

(2) The grey freight, determined in accordance with paragraph (c) of this section.

(3) Working allowance, determined in accordance with paragraph (d) of this section.

(4) Put up charges, determined in accordance with paragraph (f) of this section.

(5) Finishing cost, determined in accordance with paragraph (e) of this section.

[Subparagraph (1), formerly paragraph (a) amended by Am. 2, 7 F.R. 4180, effective 6-3-42, Am. 26, 9 F.R. 14014, effective 12-3-44; redesignated and subparagraph heading added by Am. 34, 10 F.R. 11149, effective 8-28-45]

(2) *Method for finished piece goods which are not white, bleached, dyed, printed, or yarn-dyed.* Notwithstanding any other provision of this section the maximum net selling price f. o. b. point of shipment¹⁶ for finished piece goods which are not white, bleached, dyed, printed or yarn-dyed shall be the sum of the five items set forth in subparagraph (1) above, without any markup thereon.

(3) *Method for refinished contractor inventory¹⁷ finished piece goods.* Notwithstanding any other provision of this section the maximum net selling price f. o. b. point of shipment¹⁸ for finished piece goods made from contractor inventory finished piece goods shall be determined by the following three steps:

¹⁴ *Existing Contracts:* Notwithstanding any other provision of this Maximum Price Regulation No. 127, for finished piece goods delivered on or before January 2, 1945, against a firm contract entered into in conformity with this regulation prior to November 15, 1944, the contract price may be charged.

¹⁵ Where a converter or a subsidiary or affiliate of a converter, sells converted goods from a point of shipment which is located outside of the Atlantic Seaboard States, and the finishing operations with respect to such goods are performed in any of such Atlantic Seaboard States, the seller may add to the otherwise applicable maximum price the actual transportation charges incurred in bringing the finished piece goods to such point of shipment. If the goods are transported to such point of shipment in a conveyance other than a common carrier, the charge shall not exceed the charge which would be applicable in an identical shipment at the lowest available commercial transportation rate.

Step A. Determine the sum of items 1, 2, 3, and 4 listed below and divide that sum by .915 if the sale is to a Class I purchaser or by .885 if the sale is to a Class II purchaser.

Step B. Divide item 5 listed below by .95.

Step C. Add together the results arrived at in Step A and Step B.

(1) Basic contractor inventory¹⁹ finished piece goods cost, which is the actual sum paid for the goods and shall not exceed the maximum price determined in accordance with Order No. 1 under Supplementary Order No. 130. A producer refishing his own contractor inventory finished piece goods shall use the maximum price determined pursuant to Order No. 1 under Supplementary Order No. 130.

(2) Contractor inventory finished piece goods freight, which is the actual transportation cost paid in transporting the finished piece goods to the plant where the refishing process is begun.

(3) Working allowance, determined in accordance with paragraph (d) of this section.

(4) Put-up charges, determined in accordance with paragraph (f) of this section.

(5) Finishing cost, determined in accordance with paragraph (e) of this section.

[Subparagraph (3) added by Am. 36, 10 F.R. 12261, effective 9-28-45]

(4) *Method where ceiling for grey goods has been increased by individual adjustment.* Notwithstanding any other provision of this section, the maximum net selling price, f. o. b. point of shipment²⁰ for finished piece goods made from grey goods for which an adjusted ceiling price has been granted to the seller individually under the provisions of any supplementary order (except Supplementary Order No. 9) shall be the higher of the following two alternatives:

(i) The maximum price computed in accordance with subparagraph (1) above, without regard to any individual adjustment of the maximum price for the grey goods; or

(ii) The maximum price computed in accordance with subparagraph (1) above, with the basic grey goods cost and working allowance computed from the individually adjusted maximum price for the grey goods: *Provided*, That in the case of finished piece goods sold by the producer the basic grey goods cost and working allowance so arrived at shall be reduced by 4 per cent unless the producer has been granted an individually adjusted grey goods maximum price expressly designated for use in determining his maximum price for finished piece goods under this regulation.

(5) *Method for refinished surplus finished piece goods.²¹* Notwithstanding any other provision of this section the maximum net selling price f. o. b. point of shipment²² for finished piece goods made from surplus finished piece goods shall be determined by the following three steps:

¹⁹ The term "contractor inventory" is defined in Supplementary Order No. 130.

²⁰ Defined in paragraph (y) of this section.

²¹ 9 F.R. 2661, 3577, 4879, 5162, 11531, 12020, 13056.

²² 7 F.R. 2899, 2966, 2945, 3242, 3481, 6771.

Step A. Determine the sum of items 1, 2, 3, and 4 listed below and divide that sum by .915 if the sale is to a Class I purchaser or by .885 if the sale is to a Class II purchaser.

Step B. Divide item 5 listed below by .95.

Step C. Add together the results arrived at in Step A and Step B.

(1) Basic surplus finished goods cost, which must not exceed the actual sum paid to a government agency²³ for the surplus finished piece goods.²⁴

(2) The surplus finished piece goods freight, which is the actual transportation paid in transporting the surplus finished piece goods from the place they were stored at the time of purchase from the government agency to the finishing plant where the finishing process is begun.

(3) Working allowance, determined in accordance with paragraph (d) of this section.

(4) Put up charges, determined in accordance with paragraph (f) of this section.

(5) Finishing cost, determined in accordance with paragraph (e) of this section.

[Subparagraphs (2), (4) and (5) added by Am. 34, 10 F.R. 11148, effective 8-28-45]

(b) *Basic grey goods cost.* (1) Except as otherwise specifically provided in this paragraph and in paragraph (d) of this section, the basic grey goods cost to be used in determining the maximum price for finished piece goods shall be no higher than the established maximum price therefor on the day the contract for the sale of finished piece goods is made, or on the day the goods enter into the finishing process, whichever is earlier.

[Subparagraph (1) amended by Am. 8, 7 F.R. 6364, effective 7-14-42]

(2) For persons, commonly called vertical organizations, customarily engaged in processing their own goods or goods owned by subsidiaries or affiliates, the basic grey goods cost to be used in computing the maximum price under paragraph (a) shall be determined as follows:

(i) For grey or partially finished goods acquired from an outside source other than a subsidiary or affiliate, the basic grey goods cost shall be computed in accordance with subparagraph (1) above.

(ii) For grey goods produced by such person or by a subsidiary or affiliate, for which maximum prices are established by Maximum Price Regulation No. 11,²⁵ Revised Price Schedule No. 35, or Revised Price Schedule No. 23, as Amended,²⁶ the basic grey goods cost shall be no higher than the established maximum price therefor on the day the contract for the sale of finished piece goods is made, or on the day the goods enter into the finishing process, whichever is earlier.

[Subparagraph (ii) amended by Am. 11, 8 F.R. 4851, effective 4-19-43]

(iii) For any other grey goods produced by such person or by a subsidiary or affiliate,²⁷ the basic grey goods cost shall be no higher than the maximum price which would be applicable for a sale of such grey goods to a converter on the day the contract for the sale of finished piece goods is made, or on the day the

²³ This includes, but is not limited to, grey goods which would, if sold, be subject to Maximum Price Regulation No. 118—Cotton Products.

goods enter into the finishing process, whichever is earlier.

[Subparagraph (2) amended by Am. 2, 7 F.R. 4180, effective 6-3-42]

(3) For finished piece goods which are produced from grey goods manufactured in and imported from a foreign country, the basic grey goods cost shall be:

(i) Where such goods (a) are produced from grey goods imported by the converter pursuant to a contract with the foreign seller or his agent entered into prior to November 10, 1943, and (b) are delivered to the purchaser on or before January 19, 1944, no higher than the actual landed duty paid cost of the grey goods;

(ii) In all other cases (except as provided in paragraph (v) of this section) no higher than the lower of (a) the maximum price which would be applicable to the grey goods if manufactured in the United States and sold to the converter on the day the contract for the sale of the finished piece goods is made, or on the day the goods enter into the finishing process, whichever is earlier, or (b) the landed duty paid cost of the grey goods.

[Subparagraph (3) amended by Am. 2, 7 F.R. 4180, effective 6-3-42; and Am. 15, 8 F.R. 16797, effective 12-20-43]

(4) If for any reason the basic grey goods cost cannot be determined under subparagraphs (1) and (2) of this paragraph, then the basic grey goods cost shall be no higher than the established maximum price for such grey goods on July 14, 1942.

[Subparagraph (4) amended by Am. 6, 7 F.R. 5364, effective 7-14-42]

(5) [Revoked]

[Subparagraph (5) revoked by Am. 6, 7 F.R. 5364, effective 7-14-42; new (5) added by Am. 22, 9 F.R. 10088, effective 6-30-44 and revoked by Am. 26, 9 F.R. 14014, effective 12-3-44]

(6) *Finished duck.* (i) As used in this subparagraph the term "finished duck" means finished piece goods made from any of the types of duck in the grey listed in § 1400.118 (d) (8) of Maximum Price Regulation No. 118, Cotton Products.

(ii) Notwithstanding any other provision of this regulation, in determining the maximum price of finished duck which either entered the finishing process or was sold prior to December 6, 1944, and delivered after January 2, 1945, the seller may use as the basic grey goods cost the revised ceiling prices for duck in the grey which became effective December 6, 1944: *Provided*, That the maximum price so determined shall in no event exceed the contract price in the case of contracts of sale made prior to December 6, 1944.

[Subparagraph (6) added by Am. 27, 10 F.R. 412, effective 1-3-45]

(7) Notwithstanding any other provision of this paragraph (b), for grey goods produced by another person and delivered to a converter at a time when such grey goods are exempt from price control, the converter shall use as his basic grey

goods cost the sum actually paid for such grey goods.

[Subparagraph (7) added by Am. 23, 10 F.R. 3093, effective 3-27-45]

(8) In the case of finished piece goods containing 75 per cent or more of cotton by weight, the basic grey goods cost shall be the established maximum price for the grey goods in effect on June 1, 1945, unless a previous provision of this section requires it to be lower.

[Subparagraph (8) added by Am. 35, 10 F.R. 11896, effective 9-17-45]

(c) *Grey freight.* (1) Subject to the other provisions of this paragraph (c), the grey freight which may be included in computing the maximum price under paragraph (a) of this section shall be no higher than actual transportation charges paid by the seller of the finished piece goods (not absorbed by the finisher) incurred in transporting the basic grey goods to the finishing plant where the finishing process is begun.

(2) In the event the grey goods are transported in a conveyance owned or operated by the converter, or the finisher, or by a person controlling, controlled by, or under common control with the converter or the finisher, and the charges are not absorbed by the finisher, the freight charge shall not exceed the charge which would be applicable to an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate.

(3) Where goods are shipped from the grey goods mill to a point other than the finishing plant where the finishing process is begun, only the actual freight (which is not absorbed by the finisher), incurred in the final shipment from such other point to the finishing plant where the finishing process is begun may be used in determining the maximum price under paragraph (a) of this section.

(4) Where goods are trans-shipped from one finishing plant to another (after the goods are partially or wholly finished), the freight charges on such trans-shipments shall not be included in computing the maximum price under paragraph (a) of this section: *Provided*, (i) That if partially finished goods are trans-shipped from one finishing plant to another for the purpose of screen printing, flock printing, lacquer printing, embossing, or moulage at the second plant, then the freight charges on such trans-shipment may be included in computing the maximum price under paragraph (a) of this section; (ii) That the foregoing limitation shall not apply to the extent that the contrary is expressly provided elsewhere in this regulation.

[Subparagraph (4) amended by Am. 13, 8 F.R. 12935, effective 9-27-43; and Am. 17, 9 F.R. 1806, effective 2-23-44]

(5) For the purpose of determining a grey freight charge in order to quote prices for and make sales of finished piece goods in advance of actual shipment of the grey goods a seller of finished piece goods may use the following allowance for grey freight:

(i) *Grey goods containing more than 50% cotton by weight.* For shipments

from any point in Zone I¹³ to any point in Zone II¹⁴ or shipments from any point in Zone II to any point in Zone I, an allowance of 55¢ per hundred pounds less any inward freight allowance made by the finisher; for shipments from any point in Zone I to a point in Zone I or for shipments from any point in Zone II to a point in Zone II, an allowance of 20¢ per hundred pounds, less any inward freight allowance made by the finisher.

(ii) *Grey goods containing 50% cotton or less by weight.* For shipments from any point in Zone I to any point in Zone II or for shipments from any point in Zone II to any point in Zone I, an allowance of 85¢ per hundred pounds less any inward freight allowance made by the finisher; for shipments from any point in Zone I to a point in Zone I, or for shipments from any point in Zone II to a point in Zone II, an allowance of 25¢ per hundred pounds, less any inward freight allowance made by the finisher: *Provided*, That in all cases where a forward sale is made upon the basis provided herein, the price may not be subsequently altered after an actual determination of grey freight charges has been made.

[Paragraph (c) amended by Am. 2, 7 F.R. 4180, effective 6-3-42]

(6) For the purpose of determining the grey freight which may be included in computing the maximum price for finished goods produced from imported grey goods the port of entry in the continental United States shall be deemed the point of shipment.

[Subparagraph (6) added by Am. 15, 8 F.R. 16797, effective 12-20-43]

[Note: Supplementary Order No. 31 (7 F.R. 8234; 8 F.R. 1312, 3702, 9521) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated, under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."]

(d) *Working allowance.*—(1) Except as provided in subparagraphs (3) and (4) of this paragraph, the working allowance which may be used in determining the maximum price under paragraph (a) of this section shall be the actual figure specified by the finisher in his contract: *Provided*, That if the working allowance specified in the contract shall exceed the actual shrinkage of the fabric by more than 2%, then such actual shrinkage plus such 2% tolerance shall constitute the maximum working allowance to be used in determining the maximum price for the finished piece goods.

In the event that there is a net yardage gain as a result of the finishing process, such gain must be deducted from the basic grey goods cost under paragraph (b) of this section.

¹³Zone I shall consist of the New England States, New York, Pennsylvania, New Jersey, Delaware, Maryland, Ohio, Indiana and Michigan, and the District of Columbia.

¹⁴Zone II shall consist of all other states.

(2) [Revoked]

[Subparagraph (1) amended, and (2) revoked by Am. 26, 9 F.R. 14014, effective 12-3-44]

(3) For vertical organizations. For persons, commonly called vertical organizations, customarily engaged in processing their own goods or goods owned by subsidiaries or affiliates, the working allowance used in determining the maximum price under paragraph (a) of this section shall not exceed the allowance which would be applicable had the finishing operation been performed by an independent finisher.

(4) For any new construction or for any new finishing process. The working allowance for any new construction or for any new finishing process may be determined in a preliminary manner from the actual yield of a carefully controlled lot of not less than 1,000 yards of the finished goods: *Provided*, That the working allowance to be used in determining the maximum price for the finished piece goods shall not exceed the shrinkage determined by the actual yield of the first 10,000 yards of finished fabric.

(e) *Finishing cost*. Subject to the following provisions, the finishing cost shall be the price specified in the finishing contract and actually paid by the seller of the finished goods and shall not include any finishing costs incurred by any person prior to the acquisition of the goods by such seller.

(1) If the price specified in the finishing contract is made on a "silk basis" or a "store door delivered basis", (i. e., including put up and delivery charges) then such price shall, for the purpose of determining the appropriate division factor, be reduced by $\frac{1}{4}\%$ per yard: *Provided*, That the total finishing cost may be included in the final computation of the maximum price for the finished piece goods.

(2) If the price specified in the finishing contract is made on a "cotton basis" (that is, f. o. b. finishing plant) such price, exclusive of charges for cases, papers and tubes, shall, for the purposes of determining the appropriate division factor, constitute the finishing cost.

(3) [Revoked]

[Subparagraph (3) revoked by Am. 10, 8 F.R. 3057, effective 3-16-43]

(4) (i) Where fabrics are printed both face and back, whether register-printed or not, the finishing cost which may be used in determining the appropriate division factor under paragraph (g) of this section shall be 75% of the price specified in the finishing contract and actually paid by the converter: *Provided*, That the full cost of such printing may be included in the final computation of the maximum price for the finished piece goods.

[Above text designated (i) and (ii) added by Am. 17, 9 F.R. 1906, effective 2-23-44]

(ii) Where fabrics are printed in such a manner that, if by cutting off the edge (or edges) of the fabric which has (or have) been printed, more than 80 percent of the original width of the finished fabric could be retained intact in unprinted form, the cost of such printing shall not be included in the finishing cost unless it

can be demonstrated that the print design serves a bona fide decorative or functional purpose and prior certification to this effect has been obtained from the Office of Price Administration, Washington 25, D. C.

(5) For persons, commonly called vertical organizations, customarily engaged in processing their own goods or goods owned by subsidiaries or affiliates, the finishing cost used in determining the appropriate division factor under paragraph (g) of this section shall not exceed the amount which such persons are entitled to charge under Maximum Price Regulation No. 128²³ Processing Piece Goods: *Provided*, That if such persons have finishing operations performed by independent finishers, the finishing cost shall be determined in accordance with the foregoing provisions of this section.

(6) Extra charges actually made for special folding such as doubling and rolling and book fold, may be included in the finishing cost for the purpose of determining the division factor and the maximum price: *Provided*, That if such special folding is done by a person other than the person performing the finishing operations, the amount which may be included shall be no more than $\frac{1}{4}\%$ per yard.

[Subparagraph (6) added by Am. 2, 7 F.R. 4180, effective 6-3-42]

(7) For the purposes of subparagraph (8) below, the cost of each type of processing referred to therein shall be:

(i) In the case of goods finished by a person independent of the converter, the price of such processing as specified in the finishing contract or invoice;

(ii) In the case of goods finished by the converter or by a subsidiary or affiliate of the converter, the price which such person is entitled to charge for such processing under Maximum Price Regulation No. 128 (Processing Piece Goods).

[Subparagraph (7) added by Am. 17, 9 F.R. 1906, effective 2-23-44]

(8) *Special limitations on use of entire finishing cost*. Certain finishing expenses are to be treated in a special manner as explained in subdivision (i) below. These expenses, which are called "excess finishing cost," are listed in subdivision (ii).

[Above subparagraph amended by Am. 26, 9 F.R. 14014, effective 12-3-44]

(i) *How to treat "excess finishing cost"*. "Excess finishing cost" shall not be included in the finishing cost to which the appropriate division factor (pursuant to Step C in paragraph (a) of this section) is applied, but it may be included in the figure to which the terms factor is applied.

[Subparagraph (i) amended by Am. 26, 9 F.R. 14014, effective 12-3-44]

(ii) *What is "excess finishing cost."* "Excess finishing cost" means the following:

(a) Where cotton goods, other than "better cotton wash fabrics,"²⁴ have been

²³ 7 F.R. 3117, 4659, 6615; 9 F.R. 1907, 2667.

²⁴ As used here the term:

(1) "Cotton goods" means goods which, in the grey, are subject to Maximum Price Regu-

roller-printed, any printing cost²⁵ in excess of the printing cost which would be applicable to a 15,000-yard run of the pattern.

(b) Where rayon goods²⁶ have been roller-printed, any printing cost²⁵ in excess of the printing cost which would be applicable to a 6,000-yard run of the pattern.

(c) [Revoked]

(d) [Revoked]

(e) [Revoked]

(f) The cost of applying any finish other than white or dyed to the goods listed below:

(1) Cross-dye fabrics, which means fabrics woven with two or more different synthetic yarns or with a mixture of natural and synthetic yarns;

(2) Yarn-dyed or stock-dyed fabrics, which means fabrics in which any part of the warp and/or the filling is yarn-dyed or stock-dyed.

(3) Synthetic combination crepes, which means fabrics made entirely of synthetic yarns and

(i) Composed entirely or in part of plied crepe-twist or plied volle-twist yarns, or

(ii) Composed entirely of crepe-twist or volle-twist yarns combined with unconverted rayon yarn and/or spun rayon yarn.

(g) Any finishing cost in excess of the following:²⁷

Finished piece goods priced under:	Finishing cost (cents per linear yard)
Table I and Ia (white and dyed)-----	14
Table I and Ia (printed other than screen printed)-----	14
Table I and Ia (screen printed)-----	20
Table II (white and dyed)-----	17
Table II (printed other than screen printed)-----	17
Table II (screen printed)-----	24

[Subparagraphs (c), (d) and (e) revoked; (f) and (g) added by Am. 26, 9 F.R. 14014, effective 12-3-44]

(iii) [Revoked]

[Subdivision (iii) revoked by Am. 26, 9 F.R. 14014, effective 12-3-44]

(iv) *Existing contracts*. Notwithstanding any provision of this subparagraph (8), for goods delivered on or

lution No. 11—Fine Cotton Goods; Revised Price Schedule No. 35—Carded Grey and Colored-Yarn Cotton Goods; Revised Price Schedule No. 89—Bed Linens; or Maximum Price Regulation No. 118—Cotton Products;

(2) "Better cotton wash fabrics" means goods for which the division factor is to be determined by use of Table Ia of paragraph (g) or any other goods which are composed 100% of cotton; are sold to manufacturers of women's and children's dresses, suits, and sportswear and to retail outlets; and are of a type that, during the period from August 1 to September 30, 1941, inclusive, were sold at a price of 27 $\frac{1}{2}\%$ or more per yard of 36" to 39" finished width, net after discount.

²⁵ The term "printing cost" shall include the cost of all processing preliminary to the roller printing.

²⁶ "Rayon goods" here means goods which, in the grey, are subject to Revised Price Schedule No. 23, as amended—Rayon Grey Goods.

²⁷ The provisions of this § 1400.82 (a) (8) (ii) (g) do not apply to sales to a war procurement agency of finished piece goods made in accordance with a specification issued by a war procurement agency.

before March 23, 1944 against a firm contract entered into in conformity with this regulation prior to February 17, 1944, the contract price may be charged.

[Subparagraph (8) added by Am. 17, 9 F.R. 1906, effective 2-23-44]

(f) *Put-up charges.* (1) Except as provided in subparagraph (3) of this paragraph, the put-up charges which may be used under paragraph (a) (5) of this section shall include only the charges for papers, boards, tubes and packing cases and, in the case of sales for export, the charges for export packing. In no event (except for export sales) shall charges for wooden shells be included in such computation.

(2) For persons, commonly called vertical organizations, customarily engaged in processing their own goods or goods owned by subsidiaries or affiliates, the put-up charges used under paragraph (a) (5) of this section in determining the maximum price for finished piece goods shall not exceed the charges which would be applicable had such services been performed and such material furnished by an independent finisher.

(3) Where the finishing cost is on a "cotton basis," a seller of finished piece goods may, for the purpose of determining a put-up charge as defined in subparagraph (1) of this paragraph, in order to quote prices for and make sales of finished piece goods in advance of actual production thereof, use a put-up charge of .0020 per yard: *Provided*, That in all cases where a forward sale is made upon the basis provided herein, the price may not be subsequently altered after an actual determination of the put-up charges has been made.

[Paragraph (f) amended by Am. 2, 7 F.R. 4180, effective 6-3-42]

[NOTE: Second Revised Supplementary Order No. 34 (10 F.R. 2014) permits, under certain conditions, the addition of extra packing expenses to maximum prices on sales to procurement agencies of the United States.]

(g) *Tables of division factors*—(1) *In general.* (i) Table I set forth below is to be used for finished piece goods containing 75% or more of cotton by weight unless 4% or more of coverage of the warp or filling in the finished goods is yarn-dyed or stock-dyed, in which case Table III below is to be used. The division factor applied to the sum of basic grey goods cost, grey freight, working allowance and put up charges (see paragraph (b), (c), (d), and (f) of this section respectively) is determined by reference to the class of purchaser to whom the sale is made, the type of grey goods, and the type of finish that is applied. The division factor applied to finishing cost (see paragraph (e) of this section) is separately set forth in Table I and is determined by reference to the type of finish that is applied.

(ii) Table II set forth below is to be used for finished piece goods containing less than 75% cotton by weight unless 4% or more of coverage of the warp or filling in the finished goods is yarn-dyed or stock-dyed, in which case Table III below is to be used. The division factor applied to the sum of basic grey goods

cost, grey freight, working allowance and put up charges (see paragraph (b), (c), (d) and (f) of this section respectively) is determined by reference to the basic grey goods cost, the class of purchaser to whom the sale is made, and the type of finish that is applied. The division factor that is applied to finishing cost (see paragraph (e) of this section) is separately set forth in Table II and is determined by reference to the type of finish that is applied.

(iii) Table III set forth below is to be used for finished piece goods of which 4% or more of coverage of either the warp or the filling in the finished piece goods is yarn-dyed or stock-dyed, regardless of the fiber content and regardless of the finish that is applied thereto. The division factor applied to the sum of the basic grey goods cost, grey freight, working allowance and put up charges (see paragraph (b), (c) (d) and (e) respectively of this section) is determined by reference to the class of purchaser. The division factor applied to the cost of finishing (see paragraph (e) of this section) is separately set forth in Table III.

[Subparagraphs (i), (ii) and (iii) amended by Am. 2, 7 F.R. 4180, effective 6-3-42, and Am. 26, 9 F.R. 14014, effective 12-3-44]

(iv) [Revoked]

[Subparagraph (iv) amended by Am. 2 and revoked by Am. 26]

(v) A converter whose production of finished piece goods during the years 1939, 1940 and 1941 consisted predominantly of better cotton wash fabrics which (a) are composed 100% of cotton, (b) are sold to manufacturers of women's and children's dresses, suits and sportswear and to retail outlets, and (c) are of a type that, during the period from August 1, 1941, to September 30, 1941, inclusive, were sold at a price of 27½ cents or more per yard, net after discount, may use Table Ia set forth below with respect to such fabrics: *Provided*, That no converter shall use Table Ia unless, on or before December 15, 1942, he shall have filed his name and address with the Office of Price Administration, Washington, D. C., certifying that he meets the above qualifications, and shall have received written acknowledgment of that fact.

[Subparagraph (v) added by Am. 9, 7 F.R. 8323, effective 12-1-42]

(vi) (a) Table Ia set forth below may be used for sales of better rayon fabrics by those converters, who, prior to February 17, 1944, had certified to the Office of Price Administration that they came within the terms of § 1400.78 (1) as it read between July 5, 1943, and February 22, 1944, or who, prior to May 31, 1945 established that their failure to so certify was due solely to the preemption of their facilities by contracts with War Procurement Agencies.

(b) Table Ia may also be used by those converters who, on or before August 31, 1942 filed their name and address with the Office of Price Administration pursuant to § 1400.78 (1) as it read on June 1, 1945, for sales of better rayon fabrics and for sales of finished piece goods in cut lengths of specified yardage

to dressmakers engaged in the production of individually ordered items of apparel or in the repair and alteration thereof.

(c) Notwithstanding any other provision of this Maximum Price Regulation No. 127, so long as a converter of better rayon fabrics is required by any government agency to sell a portion of his production to dress manufacturers whose minimum price line for rayon or synthetic fibre dresses, at the time of sale, is less than \$16.75, the sale of such portion of his production to such manufacturers may be made at the maximum price permitted him for sales to dress manufacturers whose minimum price line at the time of sale is \$16.75.

(vii) (a) Table Iib set forth below may be used for sales of better rayon fabrics by those converters who qualify under subdivision (vi) (a) above and whose total sales, during the years 1939, 1940, and 1941, or such part of those years as they acted as converters, consisted 90% or more of better rayon fabrics: *Provided*, That no converter shall use Table Iib unless, on or before August 15, 1945, he shall have filed with the Office of Price Administration, Washington 25, D. C., a statement setting forth his name and address and the facts on which he relies to prove his right to use Table Iib and shall have received written acknowledgment of the receipt and sufficiency of such statement.

(b) Table Iib may also be used for sales of better rayon fabrics and for sales of finished piece goods in cut lengths of specified yardage to dressmakers engaged in the production of individually ordered items of apparel or in the repair and alteration thereof by those converters who qualify under subdivision (vi) (b) above and whose total sales, during the years 1939, 1940 and 1941, or such part of those years as they acted as a converter, consisted 90% or more, of better rayon fabrics and/or cut lengths of specified yardage of finished piece goods sold to dressmakers engaged in the production of individually ordered items of apparel or in the repair or alteration thereof: *Provided*, That no converter shall use Table Iib unless, on or before August 15, 1945, he shall have filed with the Office of Price Administration, Washington 25, D. C., a statement setting forth his name, address and the facts on which he relies to prove his right to use Table Iib and shall have received written acknowledgment of the receipt and sufficiency of such statement.

(c) Notwithstanding any other provision of this Maximum Price Regulation No. 127, so long as a converter of better rayon fabrics is required by any government agency to sell a portion of his production to dress manufacturers whose minimum price line for rayon or synthetic fibre dresses, at the time of sale, is less than \$16.75, the sale of such portion of his production to such manufacturers may be made at the maximum price permitted him for sales to dress manufacturers whose minimum price line at the time of sale is \$16.75.

[Subparagraphs (vi) and (vii) added by Am. 32, 10 F.R. 8337, effective 7-21-45]

(4) *Yarn dyed fabrics.*

TABLE III—DIVISION FACTORS FOR YARN-DYED OR STOCK-DYED FINISHED PIECE GOODS¹

	Sales to class I purchaser	Sales to class II purchaser
To be applied in accordance with step A to the sum of items 1, 2, 3, and 4 (basic grey goods cost, grey freight, working allowance, and put up charges) as explained in paragraph (a).		
To be applied in accordance with step B to finishing cost ² as explained in paragraph (a).	.05	.05

¹ Table III shall be used for all finished piece goods (respective of the percentage of rayon or cotton content) of which 4% or more of coverage of the warp is yarn-dyed or stock-dyed, or of which 1/2% or more of coverage of the filling is yarn-dyed or stock-dyed.

(a) Determined in accordance with paragraphs (b), (c), (d) and (f), respectively, of this section.

(b) Determined in accordance with paragraph (e) of this section.

(c) Division factor of 0.84 instead of 0.85 and 0.805 instead of 0.815 may be used for combed cotton yarn-dyed or stock-dyed fabrics. Any yarn-dyed or stock-dyed fabric made of combed and carded cotton yarns and so constructed that either the warp or the filling consists wholly of combed yarn shall for the purposes of this table be deemed a combed cotton fabric.

(Subparagraph (4) amended by Am. 2, 7 F.R. 4180, effective 6-3-42; and Am. 26, 9 F.R. 14014, effective 12-3-44)

(h) *Credit terms.* (1) The maximum prices established by this Maximum Price Regulation No. 127 are net selling prices.

(2) If a seller desires to sell on a discount basis of 2% off ten days, sixty days extra, he may compute the maximum price on such a sale by dividing the net price by .97. *Provided*, That if any such sale is made, the seller must allow the buyer the following discounts:

(i) If payment is made within 10 days after delivery, a discount of 3%;

(ii) If payment is made within the next sixty days, a discount of 2% plus 1/2 of 1% per month for any portion of the sixty days which is anticipated.

(3) If a seller desires to sell on a discount basis of net 10 days, sixty days extra, he may compute the maximum price on such a sale by dividing the net price by .99. *Provided*, That if any such sale is made, the seller must allow the buyer the following discounts:

(i) If payment is made within 10 days after delivery, a discount of 1%.

(ii) If payment is made within the next 60 days, a discount of 1/2 of 1% per month for any portion of the sixty days which is anticipated.

(4) The maximum net prices may be increased by an appropriate division fac-

(ii) *Better rayon fabrics.* This Table IIa is to be used by converters who meet the qualifications of subparagraph (1) (vi) above.

TABLE IIa—DIVISION FACTORS FOR CERTAIN BETTER RAYON FABRICS

	White and dyed—Sales to all classes of purchasers	Printed—Sales to all classes of purchasers
To be applied in accordance with step A to the sum of items 1, 2, 3, and 4 (basic grey goods cost, grey freight, working allowance and put up charges) as explained in paragraph (a).		
To be applied in accordance with step B to finishing cost ² as explained in paragraph (a).	.82	.78

¹ Determined in accordance with paragraphs (b), (c), (d), and (f), respectively, of this section.

² Determined in accordance with paragraph (e) of this section.

(iii) *Better rayon fabrics.* This Table IIb is to be used by converters who meet the qualifications of subparagraph (1) (vii) above.

TABLE IIb—DIVISION FACTORS FOR CERTAIN CONVERTERS OF CERTAIN BETTER RAYON FABRICS

	White and dyed—Sales to all classes of purchasers	Printed—Sales to all classes of purchasers
To be applied in accordance with step A to the sum of items 1, 2, 3, and 4 (basic grey goods cost, grey freight, working allowance and put up charges) as explained in paragraph (a).		
To be applied in accordance with step B to finishing cost ² as explained in paragraph (a).	.70	.65

¹ Determined in accordance with paragraphs (b), (c), (d), and (f), respectively, of this section.

² Determined in accordance with paragraph (e) of this section.

[Tables IIa and IIb amended by Am. 36, 10 F.R. 12261, effective 9-28-45]

[Subparagraphs (ii) and (iii) added by Am. 32, 10 F.R. 8857, effective 7-21-45 and amended as otherwise noted]

[Subparagraph (3) amended by Am. 6, 7 F.R. 5364, effective 7-14-42 and Am. 26, 9 F.R. 14014, effective 12-3-44 and as otherwise noted]

(2) *Cotton finished piece goods.*—(i) *General.* Except for yarn dyed fabrics covered by subparagraph (4), Table III, this Table I is to be used for all finished piece goods containing 75% or more cotton by weight.

TABLE I—DIVISION FACTORS FOR FINISHED PIECE GOODS CONTAINING 75% OR MORE OF COTTON BY WEIGHT

	White and dyed		Printed	
	Sales to Class I purchaser	Sales to Class II purchaser	Sales to Class I purchaser	Sales to Class II purchaser
To be applied in accordance with Step A to the sum of items 1, 2, 3, and 4 (basic grey goods cost, grey freight, working allowance, and put up charges) as explained in paragraph (a).				
To be applied in accordance with Step B to finishing cost ² as explained in paragraph (a).	.05	.05	.04	.04

¹ Any grey fabric made of combed and carded cotton yarns and so constructed that either the warp or the filling consists wholly of combed yarn shall for the purposes of this table be deemed combed grey goods.

² Determined in accordance with paragraphs (b), (c), (d), and (f) respectively, of this section.

³ Determined in accordance with paragraph (e) of this section.

(ii) *Fine Cotton wash fabrics.* This Table Ia is to be used by converters who meet the qualifications of subparagraph (1) (v) above.

TABLE Ia—DIVISION FACTORS FOR CERTAIN BETTER COTTON WASH FABRICS

	White and plain-dyed		Printed and yarn-dyed ¹	
	Sales to Class I purchaser	Sales to Class II purchaser	Sales to Class I purchaser	Sales to Class II purchaser
To be applied in accordance with Step A to the sum of items 1, 2, 3, and 4 (basic grey goods cost, grey freight, working allowance, and put up charges) as explained in paragraph (a).				
To be applied in accordance with Step B to finishing cost ² as explained in paragraph (a).	.05	.05	.04	.04

¹ The yarn-dyed finished piece goods to which the division factor is to be applied are those in which 4% or more of coverage of other the warp or of the filling are yarn dyed.

² Determined in accordance with paragraphs (b), (c), (d), and (f) respectively of this section.

³ Determined in accordance with paragraph (e) of this section.

[Subparagraph (2) amended by Am. 6, 7 F.R. 5364, effective 7-14-42; Am. 9, 7 F.R. 9823, effective 12-1-42; and Am. 26, 9 F.R. 14014, effective 12-3-44]

(3) *Rayon finished piece goods.* (i) *General.* Except for yarn dyed fabrics covered by subparagraph (4), Table III, this Table II is to be used for all finished piece goods containing less than 75% cotton by weight.

[Above paragraph amended by Am. 32, 10 F.R. 8857, effective 7-21-45]

TABLE II—DIVISION FACTORS FOR FINISHED PIECE GOODS CONTAINING LESS THAN 75% COTTON BY WEIGHT¹

	White and dyed		Printed	
	Sales to Class I purchaser	Sales to Class II purchaser	Sales to Class I purchaser	Sales to Class II purchaser
To be applied in accordance with Step A to the sum of items 1, 2, 3, and 4 (basic grey goods cost, grey freight, working allowance, and put up charges) as explained in paragraph (a).				
To be applied in accordance with Step B to finishing cost ² as explained in paragraph (a).	.05	.05	.04	.04

¹ Determined in accordance with paragraphs (b), (c), (d), and (f) respectively of this section.

² Determined in accordance with paragraph (e) of this section.

tor (in accordance with the formula set forth in subparagraphs (2) and (3) of this paragraph) in any case where the credit terms do not exceed a discount of 3 percent nor a time period in excess of 70 days from the date of the invoice but may not otherwise be increased for the purpose of granting other credit or discount terms.

[Subparagraph (4) amended by Am. 7, 7 F.R. 5675, effective 7-23-42]

(i) *Wholesalers and jobbers*—(1) *General provisions.* (i) Subject to the other provisions of this paragraph, the maximum price for finished piece goods sold in the performance of a recognized distributive function²⁵ by a wholesaler shall be computed by dividing the actual cost²⁶ by .915 if the sale is to a Class I purchaser and by dividing the actual cost by .83 if the sale is to a Class II purchaser.

[Subparagraph (i) amended by Am. 37, effective 12-3-45]

(ii) Subject to the other provisions of this paragraph, the maximum price for finished piece goods sold in the performance of a recognized distributive function²⁵ by a jobber or converter-jobber selling jobbed goods, shall be computed by dividing the actual cost²⁶ by .915 if the sale is to a Class I purchaser and by dividing the actual cost by .835 if the sale is to a Class II purchaser.

(iii) Subject to the other provisions of this paragraph, the maximum price for finished piece goods sold in the performance of a recognized distributive function²⁵ by a wholesaling-jobber selling jobbed goods, shall be computed by dividing the actual cost²⁶ by .915 if the sale is to a Class I purchaser and by dividing the actual cost by .83 if the sale is to a Class II purchaser.

(iv) Subject to the other provisions of this paragraph, the maximum price for finished piece goods sold and delivered in the performance of a recognized distributive function²⁵ by a Pacific Coast jobber selling jobbed goods in the States of California, Oregon and Washington shall be computed by dividing the actual cost²⁶ by .88 if the sale is to a Class I

purchaser and by dividing the actual cost by .83 if the sale is to a Class II purchaser.

[Subparagraphs (iii) and (iv) added by Am. 37, effective 12-3-45]

[Subparagraph (1) amended by Am. 1, 7 F.R. 3242, effective 5-4-42; Am. 5, 7 F.R. 4762, effective 6-25-42; and Am. 32, 10 F.R. 2837, effective 7-21-45]

(2) *Restrictions on jobbers' and wholesalers' mark-up.* No part of the mark-up provided for in subparagraph (1) of this paragraph, may be charged:

[Subparagraph (2) amended by Am. 10, 8 F.R. 3057, effective 3-16-43]

(i) On a sale to a cutter or manufacturer by a jobber or wholesaler who commenced doing business as a jobber or wholesaler after May 4, 1942;

(ii) On a sale by a wholesaler or jobber to a converter or a converter-jobber;

[Subparagraph (ii) amended by Am. 2, 7 F.R. 4160, effective 6-3-42]

(iii) On a sale by a jobber or wholesaler who commenced doing business as a jobber or wholesaler on or after September 1, 1944.

[Subparagraphs (i) and (ii) added by Am. 26, 9 F.R. 14014, effective 12-3-44; former (i) and (iii) revoked by Am. 2, 7 F.R. 4160, effective 6-3-42]

(iv) On an export sale by an export merchant;

(v) On a sale of jobbed goods to any person by a converter-jobber unless and until authorized under subparagraph (3) of this paragraph: *Provided*, That a converter-jobber who has properly filed a petition for exception under subparagraph (3) of this paragraph, and has been notified by the Secretary of the Office of Price Administration that his petition has been docketed, may, until such time as the petition is acted upon by the Office of Price Administration, sell and deliver the goods which he purchases or has purchased as a jobber or wholesaler in accordance with other provisions of this paragraph (1): *Provided, however*, That on and after July 1, 1942, the percentage of such jobbing business shall be no greater in relation to his total sales of finished piece goods than the average percentage of such business during the years 1939, 1940, and 1941, or during such part thereof as he acted as a converter-jobber. The restrictions imposed by this subdivision (v) shall not be applicable to a jobber whose converting business con-

pattern of printed goods or separate lots of the same bleached goods, or separate lots of the same dyed goods which he acquired at varying prices, may take the weighted average cost of such mingled lot for the purpose of determining his actual cost thereof: *Provided*, That if any unsold portion of a lot on which an average cost has been determined is subsequently combined with another lot, the previously determined weighted average cost of such unsold portion shall be used for such unsold portion in computing the weighted average cost of the newly mingled lot.

²⁵It is the intention of the Office of Price Administration that this subparagraph shall apply to converters who also act as jobbers and wholesalers and to wholesalers or jobbers who also do some converting.

sists solely of sales of finished piece goods to a war procurement agency. The Administrator may by order exempt export sales of jobbed goods from the restrictions imposed by this subdivision (v). Any person seeking such exemption shall file a petition for exception under subparagraph (3) of this paragraph, setting forth the dollar volume of his domestic and export sales of converted and jobbed goods for each of the years 1939, 1940 and 1941.

[Subparagraph (v) amended by Am. 2, 7 F.R. 4160, effective 6-3-42; Am. 10, 8 F.R. 3057, effective 3-16-43; and Am. 30, 10 F.R. 4316, effective 5-7-45]

(vi) On a resale of finished piece goods by a cutter or manufacturer: *Provided*, That this restriction shall not apply (a) where such a resale is made in pursuance of an established trade practice by which the cutter or manufacturer is required, as a necessary part of making sales of his cut or manufactured articles, to furnish to his buyers an additional quantity of piece goods identical with or similar to the goods from which such articles are cut or manufactured; or, (b) where a cutter or manufacturer who, as a separate and substantial portion of his business, has regularly been engaged in wholesaling or jobbing, resells finished piece goods purchased exclusively for the purpose of resale and not for use in connection with his cutting or manufacturing operations. Every cutter or manufacturer falling within the category defined in (b) above shall, on or before December 15, 1942, file his name and address with the Office of Price Administration, Washington, D. C. Notwithstanding any of the provisions of Maximum Price Regulation No. 204, the maximum price for finished piece goods sold by a cutter or manufacturer subject to the restrictions of this subdivision (vi), shall be the actual cost of such goods as defined in the footnote to subparagraph (1) of this paragraph.

[Subparagraph (vi) amended by Am. 9, 7 F.R. 9823, effective 12-1-42 and Am. 11, 8 F.R. 4251, effective 4-19-43]

(3) *Petitions for exception by a converter-jobber.* Any converter-jobber, as defined in § 1400.81 hereof, who desires to continue operating as such, may petition the Office of Price Administration for an exception from the provisions of § 1400.82 (1) (2) (v), and for permission to do. The Price Administrator may grant such exception upon such terms and conditions as shall appear reasonable and necessary under all the circumstances: *Provided*, That no such petition will be considered unless it is filed with the Office of Price Administration in the manner provided for applications for adjustment under Revised Procedural Regulation No. 1.

[Subparagraph (3) amended by Am. 2, 7 F.R. 4160, effective 6-3-42 and Am. 11, 8 F.R. 4251, effective 4-19-43]

(4) Where a sale is made by a converter-jobber, wholesaler or jobber to another converter-jobber, wholesaler or jobber or to an export merchant the maximum price which the purchaser may charge on a domestic resale shall be no higher than the price which the original

²⁵No sale is made "in the performance of a recognized distributive function" within the meaning of this Maximum Price Regulation No. 127 unless it advances the goods sold to the next stage of distribution.

²⁶The actual cost may include only (a) the invoice price of the finished piece goods less all discounts taken (which must not, for any purchases made on or after May 4, 1942, exceed the maximum price established by this Maximum Price Regulation No. 127) and (b) the actual transportation charges incurred by the wholesaler or jobber with respect to such finished piece goods. If the goods are transported in a conveyance other than a commercial carrier, the transportation charge shall not exceed the charge which would be applicable in an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. A wholesaler, jobber or converter-jobber, where he mingles in his inventory separate lots of the same

wholesaler, jobber or converter-jobber would be entitled to charge.

[Subparagraph (4) added by Am. 2, 7 F.R. 4180, effective 6-3-42]

(5) *Charges for special folding by a wholesaler or jobber.* The actual cost, but not more than $\frac{1}{2}\epsilon$ per yard, may be added to the selling price of finished piece goods by a wholesaler, jobber or converter-jobber selling jobbed goods, for special folding such as doubling and rolling and book fold: *Provided*, That, (i) special folding has not been performed before the goods were purchased by the wholesaler, jobber or converter-jobber;

(ii) Special folding was performed by or for the account of the wholesaler, jobber or converter-jobber;

(iii) No part of the mark-up provided for in subparagraph (1) of this paragraph may be applied to the cost of such special folding; and

(iv) The portion of the total selling price attributable to special folding shall be itemized separately in an invoice or similar document which shall be delivered to the purchaser of the goods.

[Subparagraph (5) added by Am. 10, 8 F.R. 3057, effective 3-16-43]

(j) *Export sales.* The maximum price at which a person may sell or deliver finished piece goods for export shall be determined in accordance with the provisions of the Maximum Export Price Regulation²² issued by the Office of Price Administration on April 25, 1942.

(k) *Redyeing, reprinting, and overprinting.* Unless the contrary is expressly provided elsewhere in this regulation, no charges for reprinting, redyeing, or overprinting subsequent to the original finishing operation shall be or may be added to or included in the computation of the maximum prices established by this regulation.

[Paragraph (k) amended by Am. 13, 8 F.R. 12935, effective 9-27-43; and Am. 17, 9 F.R. 1906, effective 2-23-44]

(l) *Substandard goods.* The maximum prices above set forth shall be discounted for substandard goods as follows:

(1) Finishers' seconds and shorts (i. e. finished piece goods which are substandard as a result of finishing process):

Regular sized pieces discounted by 10%.

20 to 40 yard lengths discounted by 15%.

10 to 19.99 yard lengths discounted by 20%.

[Subparagraph (l) amended by Am. 11, 8 F.R. 4851, effective 4-19-43]

(m) *Exceptions.* Boott Mills, Lowell, Massachusetts may deliver bleached and shrunk Type C twill, 29" wide, Specification 27 T 25, to the Department of the Navy of the United States, pursuant to Navy Contract NXS 5699, in a quantity not exceeding the amount called for by

such contract, at a price not exceeding that specified in such contract.

[Paragraph (m) added by Am. 4, 7 F.R. 4587, effective 6-18-42]

(n) *Resales of contractor inventory²³ finished piece goods purchased from a prime contractor or subcontractor.* (1) Notwithstanding any other provision of this section any person (including a jobber and a converter-jobber) may resell contractor inventory finished piece goods purchased from a prime contractor or subcontractor at the markup provided in subparagraph (3) below. However, no part of the markup set forth in subparagraph (3) below may be charged on a sale to a wholesaler, jobber, converter-jobber or converter. Moreover, the markup provided in subparagraph (3) below may not be charged on a resale by a person other than the original purchaser from the prime contractor or subcontractor.

(2) *Records.* (i) In addition to the details required in the record of every transaction by Section 1400.75, in the case of every purchase, sale or delivery of contractor inventory finished piece goods, the records shall contain the statement that the goods purchased, sold or delivered are contractor inventory finished piece goods.

(ii) In addition to the details required in the contract of sale or invoice by Section 1400.77, the contract of sale or invoice in the case of every sale of contractor inventory finished piece goods, shall state that the goods sold are contractor inventory finished piece goods.

(3) *Markup.* Subject to the other provisions of this paragraph, the maximum price for contractor inventory finished piece goods sold in the performance of a recognized distributive function²⁴ shall be computed by dividing the actual cost²⁵ by .885 if the sale is to a Class II purchaser and .915 if the sale is to a Class I purchaser.

[Paragraph (n) added by Am. 37, effective 12-3-45. Original paragraph (n) added by Am. 6, 7 F.R. 5364, effective 7-14-42; revoked by Am. 28, 10 F.R. 2014, effective 2-17-45]

(o) *Averaging of prices by converters.* Where a converter produces various colors of the same pattern or style, and where the maximum prices for such colors vary, or where a converter produces separate lots of the same pattern or style with a resulting variation in the maximum prices for such lots, he may after computing the maximum price separately for each color or each lot, determine and use as his maximum price for the entire pattern or style a weighted average of such varying prices.

[Paragraph (o) added by Am. 7, 7 F.R. 5675, effective 7-23-42]

²² See page 14517.

²³ The term "Contractor inventory" is defined in Supplementary Order 130.

(p) [Revoked.]

[Paragraph (p) added by Am. 8, 7 F.R. 6653, effective 8-26-42, revoked by Am. 32, 10 F.R. 8857, effective 7-21-45]

(q) *Specific reductions in prices of work-clothing fabrics.* (1) Notwithstanding any of the provisions of § 1400.78 and any other provision of this § 1400.82 of this Maximum Price Regulation No. 127, the maximum prices computed hereunder for the following finished piece goods shall be reduced as set forth in Table IX hereof:

TABLE IX

Type of fabric	Weight	Width (inch basis)	Reduction (cents per yard)
Finished jeans.....	2.85 yds. per lb.....	36	14
Finished drills.....	2.60 yds. per lb.....	23-29	14
Carded poplins.....	3.25 yds. per lb.....	35-36	14
Carded poplins.....	2.85 yds. per lb.....	35-36	14
Carded poplins.....	2.50 yds. per lb.....	35-36	14

[Table IX as amended by Am. 10, 8 F.R. 3057, effective 3-16-43]

(2) The maximum prices established herein shall apply to contracts of sale entered into on or after August 26, 1942, and also to all deliveries made on or after that date against contracts entered into on or after May 4, 1942.

[Paragraph (q) added by Am. 8, 7 F.R. 6653, effective 8-26-42]

(r) [Revoked.]

[Paragraph (r) added by Am. 8, 7 F.R. 6653, effective 8-26-42; amended by Am. 9, 7 F.R. 9823, effective 12-1-42; Am. 10, 8 F.R. 3057, effective 3-16-43; Am. 11, 8 F.R. 4951, effective 4-19-43; Am. 13, 8 F.R. 12935, effective 9-27-43; Am. 14, 8 F.R. 15906, effective 11-27-43; Am. 26, 9 F.R. 14014, effective 12-3-44 and revoked by Am. 30, 10 F.R. 12261, effective 9-26-45]

(s) *Restrictions on sales of finished piece goods by certain producers.* (1) The percentage of the total business of any producer during any calendar year which is represented by dollar sales of finished piece goods to persons other than cutters, manufacturers, retailers, or war procurement agencies shall be no greater in relation to his total business than the average percentage of such dollar sales during the years 1939, 1940, and 1941: *Provided*, That without regard to the foregoing a producer may:

(i) Honor a preference rating for goods to be exported; and

(ii) Sell finished piece goods to any wholesaler, jobber, or converter-jobber who has certified in writing to such producer that during any 3-month period between July 1, 1943 and December 31, 1943, 65 per cent or more of his sales of finished piece goods were made to retailers and/or purchasers outside the continental United States.

[Subparagraph (1) amended by Am. 15, 8 F.R. 16797, effective 12-20-43; Am. 16, 9 F.R. 172, effective 1-8-44; Am. 19, 9 F.R. 2464, 3031, effective 3-7-44; and Am. 20, 9 F.R. 4029, effective 4-14-44]

(2) The restrictions contained in subparagraph (1) of this paragraph shall not apply to a producer:

²⁴ 2d Revision: 8 F.R. 4132, 5937, 7662, 9998, 15193; 9 F.R. 1036, 5435, 5923, 7201, 9834, 11273, 12919, 14346; 10 F.R. 863, 923, 2432, 6590, 8746, 8611, 9586, 10029.

(i) Whose total dollar sales of finished piece goods during the years 1939, 1940 and 1941 were greater than 50% of his aggregate dollar sales of grey and finished piece goods; or

(ii) Whose sales of finished piece goods consist solely of sales to a war procurement agency and of sales of rejects of such finished piece goods.

(3) Every producer selling finished piece goods shall, on or before April 15, 1943, file with the Office of Price Administration, Washington, D. C., his name, address, and a statement of whether or not he comes within the restrictions of this paragraph. Every producer who comes within the restrictions of this paragraph, shall retain for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, accurate records for each year after 1942 and such records as he has for each of the years 1939, 1940 and 1941 of his aggregate dollar sales of all grey and finished piece goods; his total dollar sales of finished piece goods; and his total dollar sales of finished piece goods to persons other than cutters, manufacturers, retailers or war procurement agencies.

[Paragraph (s) added by Am. 9, 7 F.R. 9823, effective 12-1-42 and amended by Am. 10, 8 F.R. 3057, effective 3-16-43; and as otherwise noted]

(t) "Designer-converters" of certain yarn dyed or stock dyed cotton finished piece goods. (1) Any person selling yarn dyed or stock dyed carded cotton finished piece goods shall be regarded as

a "designer-converter" as to those fabrics if he

(i) Is not the producer of the goods; and

(ii) Creates the style and supplies the producer with the design, pattern, construction and other specifications and is the person for whom the fabrics so styled are exclusively produced (devising slight or immaterial differences in color, pattern, construction or the like, from existing current styles, shall not be deemed style creation); and

(iii) Purchases such fabrics as are of first quality from the producer in full warp sets only; and

(iv) Customarily receives delivery of such fabrics from the producer in installments according to a contract providing a predetermined schedule of delivery.

(2) Any producer who himself styles and sells yarn dyed or stock dyed cotton finished piece goods of the type customarily styled and sold by designer-converters, shall also be regarded as a designer-converter as to those fabrics.

(3) All designer-converters may use the division factors provided in Table III of paragraph (g) of this section in computing their maximum prices for fabrics of the above type. All wholesalers or jobbers other than designer-converters, who sell such fabrics shall be subject to the provisions of § 1400.82 (i).

[Subparagraph (3) amended by Am. 20, 9 F.R. 14014, effective 12-3-44]

(4) Registration of designer-converters. (i) No designer-converter shall sell

or deliver any fabrics of the above type under the provisions of this paragraph unless he shall have filed, with the Office of Price Administration, Washington, D. C., his name, address, and the certification referred to in subdivision (ii) or (iii) of this paragraph, and have received written acknowledgment that the certification is proper.

(ii) If the registrant is not the producer of the fabrics as to which he is a designer-converter, his registration shall be accompanied by the certifications of the producers from whom he purchases such fabrics. The certifications shall list each of the qualifications for designer-converters under the provisions of subparagraph (1) of this paragraph and the producers shall certify that the registrant meets each of those qualifications.

(iii) If the registrant is the producer of the fabrics as to which he is a designer-converter, his registration shall be accompanied by his certification to the effect that he meets the qualifications for designer-converters under the provisions of subparagraph (2) of this paragraph.

[Paragraph (t) added by Am. 10, 8 F.R. 3057, effective 3-16-43]

(u) Specific prices for moleskins—(1) Specific prices for moleskins. On and after March 16, 1943, notwithstanding any of the provisions of §§ 1400.77 and 1400.82 except paragraph (i), the maximum prices for the following fabrics shall be as set forth in Tables XI and XII of this paragraph:

TABLE XI—PLAIN MOLESKING

Producer or converter	Grey goods construction	Finished cloth description	Finished cloth style	Color and color style designation	Dye	Cents per yard
Cone Export & Commission Company	46", 1.62 yards, 60 x 68	36", 9 1/2 to 10 ounces	Greyfall	Drab 429, forest green 415, standard	Sulphur	41.25
	46", 1.62 yards, 60 x 68	36", 9 1/2 to 10 ounces	Greyfall	Navy 423, coal brown 420, black 441, high color	Sulphur	43.75
	40", 1.62 yards, 60 x 68	36", 9 1/2 to 10 ounces	Greyfall	Dark brown 440, high color	Sulphur	44.75
	46", 1.42 yards, 60 x 116	36", 10 1/4 to 11 1/4 ounces	Greenware	Drab 429, forest green 415, standard	Sulphur	43.00
Wellington Sears Co.	40", 1.42 yards, 60 x 116	36", 10 1/4 to 11 1/4 ounces	Greenware	Navy 423, coal brown 420, black 441, high color	Sulphur	43.40
	40", 1.42 yards, 60 x 116	36", 10 1/4 to 11 1/4 ounces	Greenware	Dark brown 440, high color	Sulphur	43.40
	53", 1.32 yards, 66 x 64, sateen	60", 11 1/2 to 12 ounces, warp sateen	2000	Drab, brush brown, standard	Sulphur	43.00
	53", 1.32 yards, 66 x 64, sateen	60", 11 1/2 to 12 ounces, warp sateen	2000	Dark coal, special tan; black, standard	Sulphur	47.00

TABLE XII—BLACK AND WHITE MOLESKING

Producer or converter	Grey goods construction	Finished goods construction	Finished cloth style	Cents per yard regular finish	Cents per yard camouflaged finish
Cone Export & Commission Company	32", 2.00 yards, 68 x 44, twill	36", 7 1/2 to 7 3/4 ounces	36" Homark	39.75	24.50
	39", 1.60 yards, 68 x 44, twill	36", 9 to 9 1/4 ounces	36" Homark	37.50	
	40", 1.60 yards, 64 x 72, sateen	36", 9 1/2 to 10 ounces	36" Hawthorne	41.57	
	40", 1.42 yards, 60 x 116, moleskin	36", 10 1/4 to 11 ounces	36" Hobart	43.00	
J. L. Stifel & Sons, Inc.	32", 2.00 yards, 68 x 44, twill	36", 7 1/2 to 7 3/4 ounces	36" 201 Whitebird	39.75	24.50
	34", 1.80 yards, 64 x 72, sateen	36", 8 to 8 1/4 ounces	36" 101 Infatigable	35.00	
	34 1/2", 1.65 yards, 64 x 112, moleskin	36", 8 1/4 to 9 1/4 ounces	36" 402 Ironsides	43.00	
	32", 2.00 yards, 68 x 44, twill	36", 7 1/2 to 7 3/4 ounces	36" Range	39.75	24.50
Turner Halsey Co., Inc.	34", 1.80 yards, 64 x 72, sateen	36", 8 to 8 1/4 ounces	36" Range	35.00	
	34 1/2", 1.65 yards, 64 x 112, moleskin	36", 8 1/4 to 9 1/4 ounces	36" Range	43.00	

(2) [Revoked.]

[Paragraph heading amended and subparagraph (2) revoked by Am. 36, 10 F.R. 12261, effective 9-26-45]

(3) The maximum prices established by subparagraph (1) shall apply to all contracts of sale entered into on or after March 16, 1943.

No. 232—4

(4) For any moleskins which are not specifically set forth in subparagraph (1) of this paragraph, the maximum price shall be a price in line with the maxi-

As used herein, the term "in line with" means (1) based upon and having a justifiable relationship to, and (2) appropriately increased or decreased to take account of dif-

ferences in construction, finish, dye, color and such other material factors as, in sound cost determination, are considered to have a direct bearing on the cost of production of the respective fabrics.

ferences in construction, finish, dye, color and such other material factors as, in sound cost determination, are considered to have a direct bearing on the cost of production of the respective fabrics.

seller shall make no sale or delivery based upon such price until he has submitted to the Office of Price Administration, Washington, D. C., the proposed price, a complete description of the specifications as set forth in Tables XI or XII, whichever is applicable, and the way in which the price was calculated, and until the proposed price has been approved.

[Subparagraph (4) amended by Am. 11, 8 F.R. 4851, effective 4-19-43 and Am. 36]

(5) The maximum prices for mole-skis included in this paragraph shall be subject to terms of three percent 10 days, f. o. b. mill.

[Subparagraphs (3) and (5) amended by Am. 36, 10 F.R. 12261, effective 9-26-45]

[Paragraph (u) added by Am. 10, 8 F.R. 3057, effective 3-16-43]

(v) *Restrictions on sales of finished piece goods by certain cutters or manufacturers.* (1) After March 15, 1943, notwithstanding any of the provisions of Maximum Price Regulation No. 204,³¹ no cutter or manufacturer may sell more than 1000 yards of finished piece goods during any calendar month, except that this restriction shall not apply:

[Subparagraph (1) amended by Am. 11, 8 F.R. 4851, effective 4-19-43]

(i) To sales of finished piece goods to another cutter or manufacturer or to a retailer; or

(ii) To finished piece goods which the cutter or manufacturer has had in his possession for more than six months; or

(iii) Where a cutter or manufacturer who, as a separate and substantial portion of his business has regularly been engaged in wholesaling or jobbing, resells finished piece goods purchased exclusively for the purpose of resale and not for use in connection with his cutting or manufacturing operations.

[Paragraph (v) added by Am. 10, 8 F.R. 3057, effective 3-16-43]

(w) *Maximum price for finished piece goods produced from certain imported grey goods.* (1) Regardless of any contract, agreement, or other obligation the maximum price for finished piece goods which are produced from grey goods manufactured in a foreign country and imported into the continental United States by the converter pursuant to a contract with the foreign seller or his agent entered into prior to November 10, 1943, shall be the aggregate of the actual landed duty paid cost of the grey goods and the four items set forth in subparagraphs (2), (3), (4) and (5) of paragraph (a) of this § 1400.82, which sum may be divided by 0.935 but by no other division factor except in accordance with paragraph (h) of this section.

[Subparagraph (1) amended by Am. 18, 9 F.R. 2087, effective 2-21-44]

(2) Every contract of sale or invoice for finished piece goods the maximum price for which is determined under this paragraph (w) shall contain in addition to the information set forth in paragraph (a) of § 1400.77 a statement that the maximum price is determined under

subparagraph (w) of § 1400.82 of Maximum Price Regulation No. 127, and that no mark-up whatsoever over that price is permitted on any resale of the fabric.

(3) Every converter pricing finished piece goods under subparagraph (b) (3) (i) and (w) of this § 1400.82 shall on or before January 3, 1944, file a report of all commitments entered into prior to November 10, 1943, for the purchase of the imported grey goods with the Consumer Goods Division, Office of Price Administration, Washington, D. C. Such reports shall contain:

- (i) Name and address of the converter.
- (ii) Name and address of the foreign seller or his agent.
- (iii) Nature of commitment and date thereof.
- (iv) The total yardage involved in each commitment.

(v) A description of the grey goods sufficient to identify them in the sellers records maintained pursuant to § 1400.75 hereof.

[Paragraph (w) added by Am. 15, 8 F.R. 16797, effective 12-20-43]

(x) *Specific prices for sales to a war procurement agency.* Maximum prices for sales and deliveries to a war procurement agency of finished piece goods of the types and made to the specifications (in their present form or as hereafter amended) listed below shall be as set forth in Table XIV hereof. The maximum prices so set forth are based on the widths therein indicated, and shall be reduced or increased in proportion to any reduction or increase in such widths which may be authorized or required by such specifications.

TABLE XIV

Line No.	Description	Specification	Width (inch basis)	Maximum price (cents per yard)
1.00	8.2 oz. combed uniform twill	(a) 6-201 as amended.		
1.01	Type I—Khaki		30	()
1.02	Type I—Slate grey		30	()
1.03	Type II—Khaki		30	()
1.04	Type II—Slate grey		30	()
1.05	Type III—Khaki		30	()
1.06	Type III—Slate grey		30	()
1.07	Type IV—Khaki		30	()
1.08	Type IV—Slate grey		30	()
1.09	Type V—Khaki		30	()
1.10	Type V—Slate grey		30	()

³¹ The maximum price for goods so marked shall be determined in accordance with the provisions of MPR 157 until a specific price is provided in Table XIV. In connection with contracts for the sale and delivery of these goods to war procurement agencies, sellers are authorized to reserve the right to charge the difference, if any, between the maximum price so determined and the specific maximum price which may hereafter be provided in Table XIV.

[Paragraph (x) added by Am. 24, 9 F.R. 12639, effective 10-18-44]

(y) *Resales of surplus finished piece goods purchased from a government agency and not refinished.* (1) Notwithstanding any other provision of this section any person (including a jobber and a converter-jobber) may resell surplus finished piece goods purchased from a government agency at the markup provided in subparagraph (3) below. However, no part of the markup set forth in subparagraph (3) below may be charged on a sale to a wholesaler, jobber, converter-jobber or converter. Moreover, the markup provided in subparagraph (3) below may not be charged on a resale by a person other than the original purchaser from the government agency.

"Government agency" means the United States Government or any department, agency, commission, board, corporation or other instrumentality of the United States Government. "Surplus finished piece goods" means finished piece goods sold by a government agency.

(2) *Records.* (i) In addition to the details required in the record of every transaction by § 1400.75, in the case of every purchase, sale or delivery of surplus finished piece goods, the records shall contain the statement that the goods purchased, sold or delivered are surplus finished piece goods.

(ii) In addition to the details required in the contract of sale or invoice by § 1400.77, the contract of sale or invoice in the case of every sale of surplus finished piece goods, shall state that the goods sold are surplus finished piece goods.

(3) *Markup.* Subject to the other provisions of this paragraph, the maximum price for surplus finished piece goods sold in the performance of a recognized distributive function³² shall be computed by dividing the actual cost³³ by .885 if the sale is to a Class II purchaser and .915 if the sale is to a Class I purchaser.

[Paragraph (y) added by Am. 34, 10 F.R. 11148, effective 8-28-45]

§ 1400.83 *Temporary Maximum Price Regulation No. 10—Finished Piece Goods Made of Cotton, Rayon and Mixtures Thereof.* On the effective date provided in § 1400.84, this Maximum Price Regulation No. 127 replaces and revokes Temporary Maximum Price Regulation No. 10³⁴—Finished Piece Goods Made of Cotton, Rayon and Mixtures thereof, issued by the Price Administrator. Until

³² No sale is made "in the performance of a recognized distributive function" within the meaning of this paragraph (y) unless it advances the goods sold to the next stage of distribution.

³³ The actual cost may include only (a) the actual price paid to the government agency for the surplus finished piece goods and (b) the actual transportation charges incurred by the purchaser from the government agency with respect to such surplus finished piece goods. If the goods are transported in a conveyance other than a common carrier, the transportation charge shall not exceed the charge which would be applicable in an identical shipment from the same point of shipment to the same receiving point at the lowest available common carrier rate.

³⁴ 7 F.R. 2004.

³¹ Revised: 8 F.R. 11376, 12795; 9 F.R. 5376, 6819, 7077, 13211.

such date Temporary Maximum Price Regulation No. 10 remains in full force and effect as set forth in § 1400.12 thereof.

§ 1400.84 *Effective date.* This Maximum Price Regulation No. 127 (§§ 1400.71 to 1400.84, inclusive) shall become effective May 4, 1942. [Issued April 27, 1942]

§ 1400.85 *Effective dates of amendments.* [Effective dates of amendments are shown in notes following the parts affected]

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 27th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-21369; Filed, Nov. 27, 1945; 11:42 a. m.]

Chapter XIII—Petroleum Administration for War

PART 1510—SUPPLY

[Petroleum Directive 59, as Amended Dec. 1, 1943, Revocation]

PETROLEUM SUPPLY PROGRAM

Sections 1510.27 through 1510.35 inclusive (Petroleum Directive No. 59 as amended December 1, 1943) and Amendments Nos. 1, 2, 3 and 4 thereto, are hereby revoked, effective November 30, 1945.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued: November 26, 1945.

RALPH K. DAVIES,
Deputy Petroleum
Administrator for War.

[F. R. Doc. 45-21340; Filed, Nov. 27, 1945; 9:56 a. m.]

Chapter XV—Board of War Communications

[Order 32]

REVOCATION OF DESIGNATED ORDERS

Whereas, the Board of War Communications on 25 March 1942, adopted its Order No. 3 authorizing the Secretary of War and the Secretary of the Navy to take appropriate measures to safeguard the security of military and naval messages handled by means of radio communication and wire communication; and

Whereas, the Board of War Communications on 23 November 1944, adopted its Order No. 8-C entitled "Exemption from Closure of Radiotelegraph Circuits of Globe Wireless Limited", and on 16 March 1944, adopted its Order No. 21-A entitled "Exemption of Federal-State Market News Service from Order No. 11"; and

Whereas, it appears that the purposes of the said Orders Nos. 3, 8-C, and 21-A have been served and that, therefore, the said Orders are no longer required for such purposes;

Now, therefore, by virtue of the authority vested in the Board of War Communications by Executive Order No. 8964 dated 10 December 1941 and Executive Order No. 9089 dated 6 March 1942: *It is hereby ordered*, That Board of War Communications Orders Nos. 3, 8-C, and 21-A dated 25 March 1942, 23 November 1944, and 16 March 1944, respectively, be, and the same are hereby, cancelled effective the date of this order.

BOARD OF WAR COMMUNICATIONS,
PAUL A. PORTER,
Chairman.

NOVEMBER 13, 1945.

Attest:

HERBERT E. GASTON,
Secretary.

[F. R. Doc. 45-21369; Filed, Nov. 27, 1945; 11:48 a. m.]

Chapter XXIII—Surplus Property Administration

[SPA Reg. 6]

PART 8306—SALE OF GOVERNMENT-OWNED PLANT EQUIPMENT IN CONTRACTORS' PLANTS

Surplus Property Board Regulation 6, May 21, 1945, entitled "Sale of Government-Owned Plant Equipment in Contractors' Plants" (10 F.R. 6309, 6981, 8665, 10398) is hereby revised and amended as herein set forth as Surplus Property Administration Regulation 6. Order 1, June 16, 1945 (10 F.R. 7579), Order 2, June 24, 1945 (10 F.R. 8374), and Order 3, September 25, 1945 (10 F.R. 12408), under this part, shall remain in effect as revised and reissued herewith.

- Sec. 8306.1 Definitions.
- 8306.2 Scope.
- 8306.3 Applicability of War Production Board, Civilian Production Administration and Office of Price Administration Regulations.
- 8306.4 Owning agencies empowered to sell plant equipment to contractors in possession.
- 8306.5 Pricing policy.
- 8306.6 Sales of miscellaneous shop equipment, etc., at retail.
- 8306.7 Disposals other than to contractors in possession.
- 8306.8 Submission to Attorney General.
- 8306.9 Plant equipment in possession of subcontractors and sublessees.
- 8306.10 Options.
- 8306.11 Disposals under laws other than the Surplus Property Act.
- 8306.12 Records and reports.
- 8306.13 Regulations by owning agencies to be reported to the Administrator.

AUTHORITY: §§ 8306.1 to 8306.13, inclusive, issued under Surplus Property Act of 1944, 58 Stat. 765, 50 U.S.C. App. Sup. 1611 and under Pub. Law 181, 79th Cong., 1st Sess.

§ 8306.1 *Definitions.*—(a) *Terms defined in act.* Terms not defined in paragraph (b) of this section which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in the act.

(b) *Other terms.* (1) "Facilities contract" means a lease, rental agreement, or other contract or contract provision,

* Order 2 will be filed to appear in a subsequent issue.

specifically governing the acquisition, use, or disposition of Government-owned machinery, tools, building installations, or other property furnished to or acquired by a war contractor for any war production purpose except incorporation in end products.

(2) "Government agency" means any executive department, independent establishment, board, bureau, commission, or other agency of the Federal Government, or any corporation wholly owned (either directly or through one or more corporations) by the United States.

(3) "Plant equipment" means any property which is located in a war contractor's plant and is covered by a facilities contract, except land and buildings erected on land owned by or leased to the United States.

(4) "Readily severable" means capable of being removed and sold without substantial damage to either the property being removed or the premises.

(5) "Special tooling" means plant equipment of such special design that it has apparent value only as scrap except in the manufacture of the particular product which such equipment was specifically designed to produce; it includes only jigs, dies, fixtures, gauges, moulds, and similar equipment.

§ 8306.2 *Scope.* This part applies only to Government-owned plant equipment that is located in privately owned plants. Except as otherwise provided in §§ 8306.4, 8306.6, 8306.7 and 8306.9, it authorizes only the disposal of such equipment to the contractor in possession for immediate or eventual use in his civilian production.

The Administrator has determined that such sales will not result in the concentration of plant equipment in the hands of large established enterprises, nor prevent the acquisition thereof by other contractors, small as well as large and new as well as established, since the equipment will be sold to contractors in possession whose war contracts have not yet been settled and accordingly it is not yet available for disposition to others. The disposal agencies have available as surplus, and will continue to have available in increasing amounts, equipment of the types to be disposed of hereunder. These will be available for general disposition as surplus to meet the demands of all other contractors at about the same time that the equipment to be sold hereunder would become available for general sale.

In view of the holding of the United States Circuit Court of Appeals for the Second Circuit, in the case of United States v. Aluminum Company of America, et al., decided March 12, 1945, that as of 1940 the Aluminum Company of America had a monopoly of primary aluminum in violation of law, and in view of the objectives of the Act, no plant equipment shall be disposed of under this part to the Aluminum Company of America or to any of its subsidiaries, unless such disposal is first approved in writing by the Administrator.

§ 8306.3 *Applicability of War Production Board, Civilian Production Administration and Office of Price Administration regulations.* All disposals hereunder shall be subject to applicable

regulations of the War Production Board, the Civilian Production Administration and of the Office of Price Administration.

§ 8306.4 *Owning agencies empowered to sell plant equipment to contractors in possession.* In order to further the objectives of the act by assuring the most effective use of Government-owned property for war purposes, aiding in facilitating the transition from wartime to peacetime production and employment, encouraging and fostering post-war employment opportunities, promoting production and disposing of surplus property as promptly as feasible without fostering monopoly or restraint of trade or unduly disturbing the economy or encouraging hoarding, the Administrator hereby empowers each owning agency to dispose of plant equipment to contractors in possession thereof, as provided hereunder. Except in cases of disposals under §§ 8306.6 and 8306.7, there shall be obtained in connection with each disposal of plant equipment hereunder a written representation from the contractor that he intends to use the equipment in his production and that he is not purchasing it for the purpose of reselling it, directly or indirectly at a profit. Owning agencies may make such disposals to contractors in possession at any time before they take possession of plant equipment or report such equipment as surplus to a disposal agency. Nothing herein affects the authority of owning agencies to sell small lots or scrap or salvage in accordance with other regulations of the Surplus Property Administrator.

In any case in which the owning agency shall make a written finding that given special tooling will have no reasonably foreseeable use for civilian production, it may dispose of such tooling hereunder to the contractor in possession at scrap prices. In any such case the contractor shall agree in writing that upon the conclusion of his war production, he will offer such tooling to the owning agency for a period of thirty (30) days at the then scrap price of such tooling and, if the owning agency does not wish to purchase such tooling, he will dispose of it as scrap.

§ 8306.5 *Pricing policy.* Sales hereunder shall to the greatest extent possible be made at fixed prices rather than at negotiated prices. To this end, all sales shall be made in accordance with the provisions of paragraphs (a) to (e) of this section, except as otherwise provided in § 8306.7.

(a) All sales of used standard general purpose machinery as defined in Part 8313¹ shall be made at prices determined in accordance with the provisions of that part.

(b) Fixed price schedules for certain other classifications of plant equipment may be prepared by the Administrator and issued from time to time as orders hereunder.

(c) Sales of all readily severable plant equipment which is not governed by a fixed price schedule shall be made at prices that are fair and reasonable and not less than the net proceeds that could

reasonably be expected to be obtained if the property were offered for general sale. In all cases where the estimated cost of such plant equipment is \$25,000 or more, the sales price shall be approved by an internal board of review. In fixing such prices consideration shall be given to such factors as original cost and reproduction cost (new) of the items, less reasonable depreciation and obsolescence.

(d) Disposals of all plant equipment not readily severable shall be made at prices that are fair and reasonable under all the circumstances taking into account the limited sale value of the property in place and its special value, if any, to the purchaser. In all cases, prior to disposal a written estimate shall be made of both the value of the plant equipment for use in place and its salvage value.

(e) The Reconstruction Finance Corporation shall, upon request, furnish advice and assistance to the owning agencies in the establishment of fair and reasonable prices under paragraphs (c) and (d) of this section.

§ 8306.6 *Sales of miscellaneous shop equipment, etc., at retail.* In any case in which the contractor in possession does not wish to acquire any plant equipment consisting of small, loose, or hand tools, portable power equipment, or miscellaneous shop equipment, the owning agency may authorize the contractor to sell such plant equipment at retail, subject to the following conditions:

(a) All sales are made at set prices approved in advance by the owning agency, after consultation with Reconstruction Finance Corporation;

(b) Not more than \$500 in sales are made to any one person;

(c) The purchaser is required to certify in writing that he is buying the property for his own use;

(d) The contractor gives wide publicity in the immediate locality to offerings of such property for retail sale;

(e) Sales are made for cash.

§ 8306.7 *Disposals other than to contractors in possession.* (a) No plant equipment costing more than \$100,000 shall be disposed of or demolished by the owning agency pursuant to paragraphs (b) and (c) of this section without prior submission to and the consent of the Reconstruction Finance Corporation in the case of industrial property or the Maritime Commission in the case of marine property. At the request of the Reconstruction Finance Corporation or the Maritime Commission any plant equipment not readily severable which is not disposed of to the contractor in possession shall regardless of cost be declared surplus in place to the Reconstruction Finance Corporation or the Maritime Commission and in the case of industrial property disposed of in accordance with the provisions of Part 8310.²

(b) In any case in which plant equipment not readily severable is not sold to the contractor in possession and the land is owned by another, such plant equipment may be sold by the owning agency to the owner of the land.

(c) (1) In any case in which plant equipment not readily severable is not sold to the contractor in possession or to the owner of the land, the owning agency may dispose of such plant equipment by any one or more of the following methods:

(i) By sale intact;

(ii) By transfer to another Government agency intact;

(iii) By demolition contract let only on competitive bids, whereby title to the resulting material passes to the demolition contractor;

(iv) By demolition with disposal of surplus used building and construction materials by competitive bidding and of other resulting materials in accordance with any other applicable regulations of the Administrator. Any such competitive bidding shall be conducted under rules and regulations prescribed by the owning agencies containing provisions, among others, requiring lots to be offered in such reasonable quantities as to permit all bidders, small as well as large, to compete on equal terms, requiring wide public notice concerning such sales and time intervals between notice and sale adequate to give all interested purchasers a fair opportunity to buy, and reserving the right to reject all bids.

(v) By abandonment if the owning agency has no obligation to remove such plant equipment and it finds in writing that such property is without commercial value or that the estimated cost of its care, handling, removal, and disposition would exceed the estimated proceeds of sale.

(2) Whenever the owning agency is unable to obtain a fair and reasonable price for the sale in place hereunder of plant equipment not readily severable and it finds in writing that it is not in the best interests of the Government to demolish or remove such plant equipment, the owning agency shall declare such property as surplus in place. Upon such declaration any industrial property shall be disposed of in accordance with the provisions of Part 8310.³

§ 8306.8 *Submission to Attorney General.* Whenever any owning agency shall begin negotiations or, in other than cases of negotiated sales, shall have decided on the terms of a transaction for the disposition under this part of plant equipment which cost the Government \$1,000,000 or more, the owning agency shall promptly notify the disposal agency for such type of property of the proposed disposition and the probable terms or conditions thereof. The disposal agency shall promptly transmit such information to the Attorney General in order that the Attorney General may furnish the advice contemplated in section 20 of the act.

§ 8306.9 *Plant equipment in possession of subcontractors and sublessees.* In any case where plant equipment is, in accordance with the terms of a facilities contract, located in the plant of a subcontractor or sublessee, such subcontractor or sublessee shall for the purpose hereof be considered as the contractor in possession, and owning agencies shall take all steps possible to sell such plant equipment to the sublessee or subcontractor,

¹ SPA Reg. 13 (10 F.R. 13719).

² SPA Reg. 10, November 16, 1945.

at his request, on terms and conditions as provided herein. In the case of special tooling, if such subcontractor or sublessee shall state in writing that he does not desire to acquire the property, the contractor holding the covering facilities contract may be permitted to retain the property under a negotiated sale or under a lease for a period of not more than one year. Sale prices and rentals shall be determined on a basis that is fair and reasonable, taking into consideration the limited sale value of the property and its special value to the purchaser or lessee. The owning agency may request the advice and assistance of the Reconstruction Finance Corporation in determining acceptable sale prices and rentals.

§ 8306.10 *Options.* All sales by owning agencies of plant equipment to contractors shall be made in accordance with the provisions hereof, except sales made in accordance with the terms, conditions, and price provisions as stipulated in any valid option, and except sales for war production purposes. Any contractor purchasing plant equipment in accordance with the provisions hereof shall waive any purchase option, right of refusal, or similar privilege which he may have under the same facilities contract. Owning agencies are, however, authorized to make exceptions to meet unusual cases, but in each instance where an exception is made they shall maintain adequate records which shall be available to the Administrator upon request. No such exception shall be made unless it is approved by an internal board of review.

§ 8306.11 *Disposals under laws other than the Surplus Property Act.* Disposals of plant equipment as defined herein shall not be made under laws other than the Surplus Property Act of 1944 but shall be made only in strict accordance with the provisions of this part unless the Administrator upon written application by the owning agency shall consent in writing to a different procedure.

§ 8306.12 *Records and reports.* Owning and disposal agencies shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the act. Reports shall be prepared and filed with the Surplus Property Administrator in such manner as may be specified by order issued under this part subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 8306.13 *Regulations by owning agencies to be reported to the Administrator.* Each owning agency shall file with the Administrator copies of all regulations, orders, and instructions of general applicability which it may issue in furtherance of the provisions, or any of them, of this part.

This revision of this part shall become effective November 16, 1945.

W. STUART SYMLINGTON,
Administrator.

NOVEMBER 16, 1945.

[F. R. Doc. 45-21390; Filed, Nov. 27, 1945; 11:48 a. m.]

[SPA Reg. 6, Order 1]

PART 8306—SALE OF GOVERNMENT-OWNED PLANT EQUIPMENT IN CONTRACTORS' PLANTS

EMERGENCY PLANT FACILITIES CONTRACTS

Surplus Property Board Regulation 6, Order 1, June 16, 1945 (10 F.R. 7579) is hereby revised and amended as herein set forth as Surplus Property Administration Regulation 6, Order 1.

A considerable number of war plants have been constructed or equipped by contractors under a type of contract known as the Emergency Plant Facilities Contract. Under this type of contract, the expense of construction or equipment is initially borne by the contractor, and the Government reimburses him for the expense by monthly payments over a specified period (usually five years). Title does not pass to the Government until full reimbursement has been made. It is usually provided in these contracts that reimbursement may be accelerated at the option of the Government.

The question has been raised whether and to what extent Emergency Plant Facilities Contracts are covered by this part. Since the plant equipment under Emergency Plant Facilities Contracts becomes Government-owned on completion of the payments, such equipment should be subject to disposal in the manner specified in this part, except in cases where the contract includes the land on which buildings or other facilities are erected. In this latter type of case, the entire project from the land up will be owned by the Government on completion of the payments. Plants of this kind are excluded from this part (§ 8306.1 (b) (3)).

Pursuant to the authority of the Surplus Property Act of 1944 (58 Stat. 765, 50 U.S.C. App. Sup. 1611) and Public Law 181, 79th Congress; *It is hereby ordered, That:*

1. This order shall apply to Emergency Plant Facilities Contracts under which (a) the expense of construction or equipment is initially borne by the contractor; (b) the Government reimburses him for the expense by monthly payments over a specified period; (c) title does not pass to the Government until full reimbursement has been made; and (d) reimbursement may be accelerated at the option of the Government.

2. Plant equipment which is subject to an Emergency Plant Facilities Contract having the characteristics described above is included within the provisions of this part in all cases except those where on completion of the payments by the Government the Government will own, or have a leasehold interest in, land on which buildings or other facilities have been constructed or installed pursuant to the contract.

This order shall become effective November 16, 1945.

W. STUART SYMLINGTON,
Administrator.

NOVEMBER 16, 1945.

[F. R. Doc. 45-21391; Filed, Nov. 27, 1945; 11:48 a. m.]

[SPA Reg. 6, Order 3]

PART 8306—SALE OF GOVERNMENT-OWNED PLANT EQUIPMENT IN CONTRACTORS' PLANTS

WAIVER OF REQUIREMENT FOR SUBMISSION OF INVENTORY ON NOVEMBER 1, 1945

Surplus Property Board Regulation 6, Order 3, September 25, 1945 (10 F.R. 12403), is hereby revised and amended as herein set forth as Surplus Property Administration Regulation 6, Order 3.

Pursuant to the authority of the Surplus Property Act of 1944 (58 Stat. 765, 50 U.S.C. App. Sup. 1611) and Public Law 181, 79th Congress, and in accordance with § 8306.13, *It is hereby ordered, That:*

The requirements of Order 2¹ under Part 8306, entitled "Forms for Reporting Inventories and Sales" that owning agencies submit to the Reconstruction Finance Corporation on or before November 1, 1945, a report as of September 30, 1945 of their inventories of government-owned plant equipment costing \$350 or more and that the Reconstruction Finance Corporation submit summaries of such reports to the Surplus Property Administrator, are hereby waived.

This order shall become effective November 16, 1945.

W. STUART SYMLINGTON,
Administrator.

NOVEMBER 16, 1945.

[F. R. Doc. 45-21392; Filed, Nov. 27, 1945; 11:48 a. m.]

TITLE 37—PATENTS AND COPYRIGHTS

Chapter II—Copyright Office,
Library of Congress

PART 201—REGISTRATION OF CLAIMS TO COPYRIGHT

MUSICAL WORKS

The Code of Federal Regulations of the Copyright Office, § 201.4 (b) (5) is amended by adding at the end of the last paragraph the following:

Renewal copyright registration of a musical work will be made when the application for the original registration used the word "editing" or some similar term to describe the copyrightable matter.

SAM B. WARNER,
Register of Copyrights.

Approved: November 15, 1945.

VERNER W. CLAPP,
Acting Librarian of Congress.

[F. R. Doc. 45-21354; Filed, Nov. 27, 1945; 10:03 a. m.]

¹Order 2 will be filed to appear in a subsequent issue.

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

AMENDMENTS TO REGULATIONS

By virtue of the authority vested in me by R. S. 4405, 4417a, 4418, 4426, 4429, 4433, 4438, 4438a, 4450, 4463, 4470, as amended, 49 Stat. 1544, 54 Stat. 163-167, 1028 (46 U.S.C. 375, 391a, 392, 404, 407, 411, 224, 224a, 239, 222, 463, 367, 526-526t, 463a), and Executive Order No. 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), the following amendments to the regulations are prescribed:

Subchapter C—Motorboats, and Certain Vessels Propelled by Machinery Other Than by Steam More Than 65 Feet in Length

PART 25—REQUIREMENTS FOR ALL MOTORBOATS EXCEPT THOSE OF OVER 15 GROSS TONS CARRYING PASSENGERS FOR HIRE

LICENSED OPERATORS

Section 25.8-3 is amended to read as follows:

§ 25.8-3 *Professional qualifications and examination.* (a) An applicant for a license as an operator shall submit a sworn application on the prescribed form to the Officer in Charge, Marine Inspection. The applicant shall be examined orally concerning his character and fitness to hold such license and a thorough inquiry shall be made into the proofs submitted concerning his character and ability. If, after the oral examination and investigation, the Officer in Charge, Marine Inspection, considers the applicant's capacity, knowledge, experience, character, and habits of life to be such as to warrant entrusting him with the duties and responsibilities involved in the operation and navigation of motorboats carrying passengers for hire, a license authorizing him to discharge such duties on any such motorboats for a term of five years shall be issued to him; except that when the applicant is the holder of a currently valid license as master, pilot, or other deck officer, a motorboat operator's license may be granted without requiring a physical or professional examination if recent service under his license can be shown, and such applicant shall not be required to surrender his license as master, pilot, or other deck officer.

(b) The examination will consist of questions on the regulations governing motorboats, the collision regulations applicable to the waters over which the applicant operates, fire protection and extinguishment, lifesaving equipment, the operation of propelling machinery, and, particularly, the safe and proper handling of gasoline motors, the proper method of operating and navigating motorboats carrying passengers, and simple first-aid. Although applicants will be examined only in the collision regulations applicable to the waters upon which they are operating, it will be incumbent upon them, should they at any time operate on waters for which the collision regulations differ, to familiarize themselves with the appropriate rules.

PART 28—SPECIFICATIONS AND PROCEDURE FOR APPROVAL OF EQUIPMENT

LIFESAVING EQUIPMENT

Section 28.4-8 (g) is amended by the addition of the following sentence at the end thereof:

§ 28.4-8 *Specifications for kapok buoyant cushion.* * * *

(g) *Marking.* * * * Tags of the flag or pennant type are not permitted.

Subchapter D—Tank Vessels

PART 36—LICENSED OFFICERS AND CERTIFICATED MEN

LICENSED OFFICERS

Section 36.1-12 is amended to read as follows:

§ 36.1-12 *Signing and thumbprinting licenses—T/ALL.* Every person to whom

a license or certificate of lost license is issued shall place his signature and left thumbprint thereon, and upon any blank sheets attached for additional endorsements.

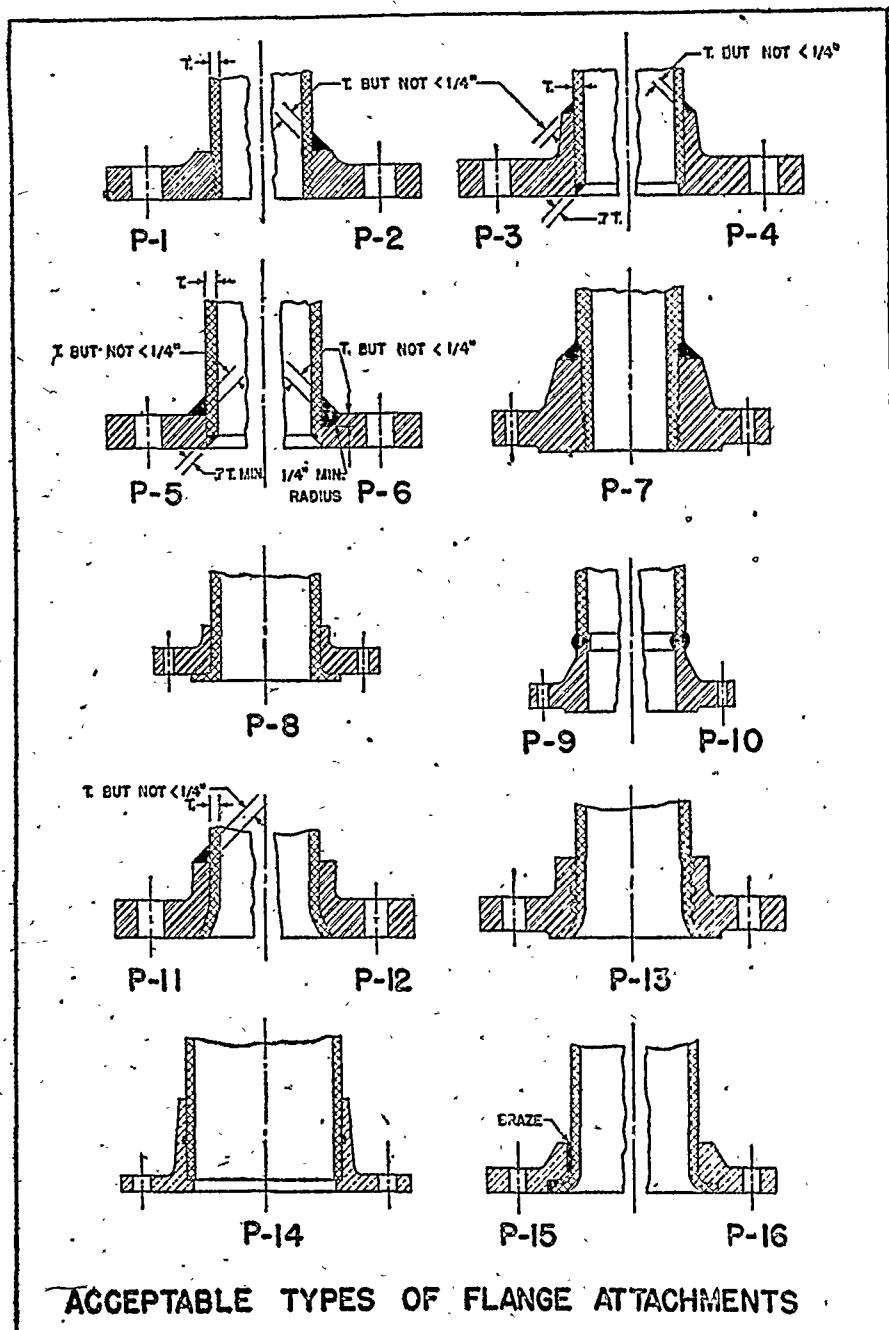
Subchapter F—Marine Engineering

PART 55—PIPING SYSTEMS

Section 55.19-3 is amended by deleting Figures P-1 to P-10, inclusive, with descriptions, and inserting new Figures P-1 to P-16, inclusive, with descriptions, in their place and by changing paragraph (e) to read as follows:

§ 55.19-3 *Flange standards.* * * *

(e) *Methods of attachments.* Flanges shall be attached to the pipe by any method shown by Figures P-1 to P-16, inclusive, or by any additional means that may be approved by the Commandant.



ACCEPTABLE TYPES OF FLANGE ATTACHMENTS

Figure P-1. Flanges with screwed threads may be used for Class I piping not exceeding 2 inches nominal pipe size. For Class II piping, flanges with screwed threads may be used without diameter limitation.

Figure P-2. Low hub flanges with screwed threads plus the addition of a strength fillet weld of the size as shown may be used for Class I piping for pressures not to exceed 300 pounds per square inch and for temperatures not exceeding 750° F.

Figure P-3. Slip-on flanges may be used for Class I piping for nominal pipe size not exceeding 2½ inches and for Class II piping without diameter limitation. The face of the flange shall extend beyond the end of the pipe at least equal to the thickness of the pipe wall and the flange shall be attached as shown by Figure P-3.

Figure P-4. Socket welding flanges may be used for Class I piping of nominal pipe size not exceeding 2½ inches. For Class II piping, socket welding flanges may be used without diameter limitation.

Figure P-5. Flanges machined from steel plate may be used for Class II piping for pressures not exceeding 125 pounds per square inch provided the steel plate meets the requirements of §§ 51.21-1 to 51.21-13, inclusive. The machined flanges shall comply with Table P-3. The face of the flanges shall extend beyond the end of the pipe at least equal to the thickness of the pipe wall and shall be attached as shown by Figure P-5.

Figure P-6. Steel plate flanges meeting the requirements listed for Figure P-5 may be used for Class II piping for pressures exceeding 125 pounds per square inch provided the flange is attached to the pipe as shown by Figure P-6.

Figure P-7. Pipe may be attached to high hub flanges where the end of the pipe and the bore of the flange are machined to a snug fit and the hub welded to the pipe as shown by Figure P-7.

Figure P-8. Lap joint flanges (Van Stone) may be used for Class I and Class II piping. The Van Stone equipment shall be operated by qualified personnel and the ends of the pipe shall be heated from 1650° to 1900° F. dependent upon the size of the pipe prior to the flanging operation. The foregoing temperatures shall be carefully adhered to in order to prevent excess scaling of the pipe. The extra thickness of metal built-up in the end of the pipe during the forming operation shall be machined to restore the pipe to its original diameter. The machined surface shall be free from surface defects and the back of the Van Stone lap shall be machined to a fine tool finish to furnish a line contact with the mating surface on the flange for the full circumference as close as possible to the fillet of the flange. The number of heats to be used in forming a flange shall be determined by the size of the pipe and not more than two push-ups per heat are permitted. The width of the lap flange shall be at least three times the thickness of the pipe wall and the end of the pipe shall be properly stress relieved after the flanging operation is completed. Manufacturers desiring to employ this type of joint shall demonstrate to an inspector that they have the proper equipment and personnel to produce acceptable lap joints.

Figure P-9. Welding neck flanges may be used on any piping provided the flanges are butt welded to the pipe. The joint shall be welded as indicated by Figure P-9 and a backing ring employed which will permit complete penetration of the weld metal.

Figure P-10. Welding neck flanges may also be attached to pipe by double-butt welds as shown by Figure P-10.

Figure P-11. Flanges may be attached by shrinking the flange on to the end of the pipe and flaring the end of the pipe to an angle of not less than 20°. A fillet weld of the size shown by Figure P-11 shall be used to attach

the hub to the pipe. This type of flange is limited to a maximum pressure of 250 pounds per square inch at temperatures not exceeding 500° F.

Figure P-12. The flange of the type described and illustrated by Figure P-11 may be used for Class II piping with fillet weld omitted.

Figure P-13. Flanges may be attached by expanding the pipe into the grooves machined in the hub of the flange and flaring the end of the pipe to an angle of not less than 20°. This type of flange is limited to a maximum pressure of 250 pounds per square inch at a temperature not exceeding 500° F. For Class II piping, it is not required that the ends of the pipe be flared.

Figure P-14. Bronze alloy flanges may be used for temperature not exceeding 400° F. The hub of the flange shall be bored to a depth of not less than that required for a threaded connection the same diameter leaving a shoulder for the pipe to butt against. An annular groove of depth of not less than that required for a pipe thread of the same diameter shall be machined inside the hub of the flange. A preinserted ring of silver brazing alloy having a melting point of not less than 1000° F. and of sufficient quantity to fill the annular clearance between the flange and the pipe shall be inserted in the groove. The pipe shall then be inserted in the flange and sufficient heat applied externally to melt the brazing alloy until it completely fills the clearance between the hub of the flange and the pipe. A suitable flux shall be applied to the surfaces to be joined to insure an acceptable joint.

Figure P-15. Flanges may be attached to non-ferrous pipe by inserting the pipe in the flange and flanging the end of the pipe into the recess machined in the face of the flange to receive same. The width of the flange shall be not less than three times the pipe wall thickness. In addition thereto, the pipe shall be securely brazed to the wall of the flange. This flange is limited to a maximum temperature of 400° F.

Figure P-16. The flange of the type described and illustrated by Figure P-15 may be used for Class II piping with the brazing omitted.

Section 55.19-11 (d) is amended by changing subparagraphs (1) and (3) to read as follows:

§ 55.19-11 *Class II piping.* * * *

(d) *Flanges.* * * *

(1) Flanges shall be made of forged steel, cast steel, steel plate, wrought iron, bronze and malleable or cast iron or such other equivalent material as may be approved by the Commandant.

(3) Flanges may be attached by any method specified by Figures P-1 to P-16, inclusive, or by any additional means that may be approved by the Commandant.

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 61—FIRE APPARATUS; FIRE PREVENTION

Section 61.4 (c) (4) is amended by the addition of the following sentence at the end thereof:

§ 61.4 *Steam and inert-gas fire-extinguishing systems.* * * *

(c) *Steam systems on mechanically propelled vessels contracted for on or after July 1, 1935.* * * *

(4) * * * In lamp lockers, oil rooms, and like compartments, adequate means may be provided for ventilation

if suitable dampers capable of being operated from outside the spaces are fitted in each vent duct.

Section 61.25 is amended by changing paragraphs (e) (1) and (f) to read as follows:

§ 61.25 *Butane and propane gases for heating and cooking.* * * *

(e) *Piping and fittings.* (1) The piping between the cylinders and appliances shall be seamless annealed copper tubing, type K, complying with Federal Specification WW-T-792a. The tubing connections shall be flared and the number held to a minimum.

(f) *Tests.* Each joint of the piping between the cylinders and appliance shall have a soap solution applied and be tested with compressed air after installation and at each annual inspection. The test pressure shall be not less than twice the pressure at which the relief valve is set but in no case shall it be less than 50 pounds per square inch.

PART 62—LICENSED OFFICERS AND CERTIFICATED MEN

INSPECTED VESSELS

Section 62.6 is amended to read as follows:

§ 62.6 *Signing and thumbprinting licenses.* Every person to whom a license or certificate of lost license is issued shall place his signature and left thumbprint thereon, and upon any blank sheets attached for additional endorsements.

LICENSED MASTERS, MATES AND ENGINEERS

Section 62.114 is amended to read as follows:

§ 62.114 *Signing and thumbprinting licenses.* (a) Every person to whom a license or certificate of lost license is issued shall place his signature and left thumbprint thereon, and upon any blank sheets attached for additional endorsements.

(b) Every master, mate, or engineer, who receives a license shall make oath before an Officer in Charge, Marine Inspection, to be recorded upon his official file, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law and obey all lawful orders of his superior officers.

Subchapter H—Great Lakes: General Rules and Regulations

PART 77—FIRE APPARATUS; FIRE PREVENTION

Section 77.4 (c) (4) is amended by the addition of the following sentence at the end thereof:

§ 77.4 *Steam and inert-gas fire-extinguishing systems.* (See § 61.4 of this chapter, as amended, which is identical with this section.)

Section 77.24 is amended by changing paragraphs (e) (1) and (f) to read as follows:

§ 77.24 *Butane and propane gases for heating and cooking.* (See § 61.25 of this chapter, as amended, which is identical with this section.)

PART 78—LICENSED OFFICERS AND CERTIFICATED MEN

INSPECTED VESSELS

Section 78.6 is amended to read as follows:

§ 78.6 *Signing and thumbprinting licenses.* (See § 62.6 of this chapter, as amended, which is identical with this section.)

Subchapter H—Great Lakes: General Rules and Regulations

PART 80—FERRYBOATS

Part 80 is amended by the addition of a new section 80.7 to follow immediately after section 80.6, reading as follows:

§ 80.7 *Automobiles or other motor vehicles carried on ferryboats.* (a) Automobiles or other motor vehicles shall be stowed in such a manner as to permit both passengers and operators to get out and away from them freely in the event of fire or other disaster. Where there is insufficient clearance to provide for easy egress or ingress at all times, both passengers and operators shall be directed to leave their vehicles and to occupy other spaces reserved for them during the crossing. The decks, where necessary, shall be definitely marked with painted lines to indicate the vehicle runways and the aisle spaces.

(b) The master shall take all necessary precautions to see that automobiles or other motor vehicles have their motors turned off when the ferryboat is under way and the motors shall not be started until the ferryboat is secured to the ferry landing.

(c) The master shall have appropriate "no smoking" signs posted and shall take all necessary precautions to prevent smoking or carrying of lighted or smoldering cigars, cigarettes, etc., in deck areas assigned to automobiles or other motor vehicles.

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes: General Rules and Regulations

PART 95—FIRE APPARATUS; FIRE PREVENTION

Section 95.4 (c) (4) is amended by the addition of the following sentence at the end thereof:

§ 95.4 *Steam and inert-gas fire-extinguishing systems.* (See § 61.4 of this chapter, as amended, which is identical with this section.)

Section 95.24 is amended by changing paragraphs (e) (1) and (f) to read as follows:

§ 95.24 *Butane and propane gases for heating and cooking.* (See § 61.25 of this chapter, as amended, which is identical with this section.)

PART 96—LICENSED OFFICERS AND CERTIFICATED MEN

Section 96.6 is amended to read as follows:

§ 96.6 *Signing and thumbprinting licenses.* (See § 62.6 of this chapter, as

amended, which is identical with this section.)

PART 98—FERRYBOATS

Part 98 is amended by the addition of a new section 98.7 to follow immediately after section 98.6, reading as follows:

§ 98.7 *Automobiles or other motor vehicles carried on ferryboats.* (See § 80.7 of this chapter, which is identical with this section.)

Subchapter J—Rivers: General Rules and Regulations

PART 114—FIRE APPARATUS; FIRE PREVENTION

Section 114.6 (c) (4) is amended by the addition of the following sentence at the end thereof:

§ 114.6 *Steam and inert-gas fire-extinguishing systems.* (See § 61.4 of this chapter, as amended, which is identical with this section.)

Section 114.25 is amended by changing paragraphs (e) (1) and (f) to read as follows:

§ 114.25 *Butane and propane gases for heating and cooking.* (See § 61.25 of this chapter, as amended, which is identical with this section.)

PART 115—LICENSED OFFICERS

Section 115.6 is amended to read as follows:

§ 115.6 *Signing and thumbprinting licenses.* (See § 62.6 of this chapter, as amended, which is identical with this section.)

PART 117—FERRYBOATS

Part 117 is amended by the addition of a new section 117.7 to follow immediately after section 117.6, reading as follows:

§ 117.7 *Automobiles or other motor vehicles carried on ferryboats.* (See § 80.7 of this chapter, which is identical with this section.)

Subchapter K—Seamen

PART 136—"A" MARINE INVESTIGATION BOARD RULES

TEMPORARY WARTIME RULES GOVERNING INVESTIGATIONS OF ACCIDENTS AND CASUALTIES

Section 136.108 (c) is amended to read as follows:

§ 136.108 *Witnesses and witness fees.*

(c) Witnesses, other than government employees, summoned to attend any investigation or other proceeding conducted hereunder shall upon application be paid:

(1) A fee of \$2.00 for each day or fraction thereof.

(2) A subsistence allowance of \$3.00 for each day or fraction thereof if the witness resides at a distance so far removed from place of hearing as to prohibit his returning home each day; *Provided*, That his services are required for more than one day.

(3) Five cents per mile is allowed for going from place of residence or place where the subpoena was served to place of hearing and five cents per mile for returning thereto, which travel must be via the shortest route.

(4) Witnesses whose depositions are taken and persons who take depositions shall upon application be paid the same fees as are paid for like services in the District Courts of the United States.

PART 141—MANNING OF INSPECTED VESSELS

Section 141.1 is amended to read as follows:

§ 141.1 *Changes in certificates of inspection.* All applications for changes in certificates of inspection relative to crew requirements shall be made to the Officer in Charge, Marine Inspection, at the port where the vessel actually is at the time the request is made.

Part 141 is amended by the addition of a new section 141.2 following immediately after section 141.1, reading as follows:

§ 141.2 *Right of appeal.* Whenever any person directly interested in or affected by any decision or action of any Officer in Charge, Marine Inspection, shall feel aggrieved by such decision or action with respect to manning requirements, he may appeal therefrom to the District Coast Guard Officer having jurisdiction, and a like appeal shall be allowed from any decision or action of the District Coast Guard Officer to the Commandant, whose action shall be final; *Provided, however*, That such appeals shall be made in writing within 30 days after the decision or action appealed from shall have been rendered or taken; *And provided further*, That pending the determination of the appeal the crew originally specified must be carried.

Dated: November 26, 1945.

L. T. CHALKER,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 45-21355; Filed, Nov. 27, 1945; 10:42 a. m.]

TITLE 47—TELECOMMUNICATIONS

Chapter I—Federal Communications Commission

PART 3—RULES GOVERNING STANDARD AND HIGH-FREQUENCY BROADCAST STATIONS

REVISION OF NUMERICAL DESIGNATIONS OF FM CHANNELS

The Commission, on November 16, 1945, effective immediately, amended § 3.201 *Numerical designation of FM channels*, to read:

§ 3.201 *Numerical designation of FM channels.* For convenience, the frequencies available for FM broadcasting (including those assigned to non-commercial educational broadcasting) are given numerical designations which are shown in the table below:

Frequency (Mc.):	Channel No.	Frequency (Mc.):	Channel No.
88.1	201	98.1	251
88.3	202	98.3	252
88.5	203	98.5	253
88.7	204	98.7	254
88.9	205	98.9	255
89.1	206	99.1	256
89.3	207	99.3	257
89.5	208	99.5	258
89.7	209	99.7	259
89.9	210	99.9	260
90.1	211	100.1	261
90.3	212	100.3	262
90.5	213	100.5	263
90.7	214	100.7	264
90.9	215	100.9	265
91.1	216	101.1	266
91.3	217	101.3	267
91.5	218	101.5	268
91.7	219	101.7	269
91.9	220	101.9	270
92.1	221	102.1	271
92.3	222	102.3	272
92.5	223	102.5	273
92.7	224	102.7	274
92.9	225	102.9	275
93.1	226	103.1	276
93.3	227	103.3	277
93.5	228	103.5	278
93.7	229	103.7	279
93.9	230	103.9	280
94.1	231	104.1	281
94.3	232	104.3	282
94.5	233	104.5	283
94.7	234	104.7	284
94.9	235	104.9	285
95.1	236	105.1	286
95.3	237	105.3	287
95.5	238	105.5	288
95.7	239	105.7	289
95.9	240	105.9	290
96.1	241	106.1	291
96.3	242	106.3	292
96.5	243	106.5	293
96.7	244	106.7	294
96.9	245	106.9	295
97.1	246	107.1	296
97.3	247	107.3	297
97.5	248	107.5	298
97.7	249	107.7	299
97.9	250	107.9	300

Amended paragraphs (b) and (c) of § 3.203 *Community stations* to read:

(b) In Area I, 20 channels beginning with 104.1 megacycles and ending with 107.9 megacycles (Channels 281 through 300) are allocated for Community stations. All of these 20 channels are available in any community which is not the principal city of a metropolitan district. Ten of these channels are also available for assignment in principal cities of metropolitan districts which have fewer than 6 Metropolitan stations.*

(c) In Area II, 10 channels beginning with 104.1 megacycles and ending with 105.9 megacycles (Channels 281 through 290) are available for Community stations and may be used in any community which is not the principal city of a metropolitan district.*

*For the time being, until more FM stations are authorized, the Commission will not authorize Community stations in principal cities of metropolitan districts in Area I having 4 or more AM stations.

*The 10 frequencies from 106.1 to 107.9 megacycles which are available for Community stations in Area I but not in Area II will be assigned in Areas II in the future in accordance with the needs of the area as shown by future developments. In the meantime they will be available for facsimile.

Amended paragraph (c) of § 3.204 *Metropolitan stations* to read:

(c) Sixty frequencies are available for Metropolitan stations in Areas I and II. These frequencies begin at 92.1 megacycles and end at 103.9 megacycles (Channels 221 through 280).

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-21350; Filed, Nov. 27, 1945;
10:13 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 71, Amdt. 2]

PART 95—CAR SERVICE

SUSPENSION OF CERTAIN RULES; LIVESTOCK SHIPMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of November A. D. 1945.

Upon further consideration of Service Order No. 71 (8 F.R. 8513), as amended, and good cause appearing therefor: *It is ordered, That:*

Service Order No. 71 (8 F.R. 8513), as amended be, and it is hereby, further amended by adding the following paragraphs, thereto:

(6) *Clean and disinfected cars.* Feeder livestock requires clean and disinfected cars for transportation and such cars shall not be furnished for loading other livestock which can be transported in other cars. Clean and disinfected cars may be furnished for any livestock when the supply of such cars exceeds the demand for loading feeder livestock.

(7) *Expiration date.* This order shall expire at 11:59 p. m., December 31, 1945, unless otherwise modified, changed, suspended, or annulled by order of this Commission. (40 Stat. 101, sec. 402, 418; 41 Stat. 476, 485, sec. 4, 10; 54 Stat. 901, 912; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., November 24, 1945; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-21393; Filed, Nov. 27, 1945;
11:49 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of Interior

PART 1—REGULATIONS AND ORDERS RELAT- ING TO MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

CLOSING ORDER ON GEESE IN ALEXANDER COUNTY, ILL.

In accordance with the provisions of Regulation 9¹ of the Regulations Relating to Migratory Birds and Certain Game Mammals, approved by Proclamation No. 2616 of July 27, 1944 (9 F.R. 9873), as amended, I have determined that there has been a rapid decrease in the distribution and abundance of geese frequenting Alexander County, Illinois, and that to insure a continuing and normal supply of geese the open season for the taking of such birds in Alexander County, Illinois, shall close on November 28, 1945, at 4:30 p. m.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

NOVEMBER 26, 1945.

[F. R. Doc. 45-21338; Filed, Nov. 27, 1945;
9:33 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Office of the Secretary.

REVESTED OREGON AND CALIFORNIA RAIL- ROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS

DECLARATION OF ANNUAL FOREST PRODUCTIVE CAPACITY

Pursuant to the authority vested in me by section 1 of the act of August 28, 1937 (50 Stat. 874), and in accordance with the recommendation of the Commissioner of the General Land Office I hereby declare that the forest productive capacity of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands is 606,664,000 feet board measure per annum as of January 1, 1946. Such forest productive capacity may be redeclared to allow for important changes in the area of these lands and in the condition or knowledge of the forests thereon.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 23, 1945.

[F. R. Doc. 45-21241; Filed, Nov. 27, 1945;
9:53 a. m.]

DISPOSITION OF SURPLUS ELECTRIC ENERGY UNDER CONTROL OF WAR DEPARTMENT

SOUTHWESTERN POWER ADMINISTRATION

I The Administrator of the Southwestern Power Administration (hereinafter called the "Administrator") is hereby designated the marketing agent for the surplus electric energy, directed by the Act of December 22, 1944, (58 Stat.

* 50 CFR, 1944 Supp., 1.9.

887), to be marketed by the Secretary of the Interior, that is generated at the following projects under the control of the War Department:

Red-Ouachita River Basin

1. The Blakeley Mountain Dam Project on the Ouachita River in Arkansas, authorized by the Act of December 22, 1944, (58 Stat. 887, 895).

2. The Denison Dam and Reservoir Project on the Red River in Texas and Oklahoma, authorized by the Act of June 28, 1938, (52 Stat. 1215, 1219).

3. The Narrows Dam and Reservoir Project on the Little Missouri River in Arkansas, authorized by the Act of August 18, 1941, (55 Stat. 638, 645), and the Act of December 22, 1944, (58 Stat. 887, 895).

White River Basin

4. The Norfolk, Bull Shoals, and Table Rock Dam and Reservoir Projects, approved in the Act of June 28, 1938, (52 Stat. 1215, 1219) as modified by the Act of August 18, 1941, (55 Stat. 638, 645).

Arkansas River Basin

5. The Ft. Gibson and Markham Ferry Dam and Reservoir Projects on the Grand River in Oklahoma and Missouri, approved in the Act of August 18, 1941, (55 Stat. 638, 645).

6. The Nimrod Dam and Reservoir Project on the Fourche La Pave River in Arkansas, approved in the Act of June 28, 1938, (52 Stat. 1215, 1218).

Brazos River Basin

7. The Whitney Dam and Reservoir Project on the Brazos River in Texas, authorized by the Act of August 18, 1941 (55 Stat. 638, 642), and the Act of December 22, 1944, (58 Stat. 887, 899).

Neches and Angelina Rivers, Texas

8. The Rockland Reservoir Project on the Neches River, the McGee Bend Reservoir Project on the Angelina River, and power dams "A" and "B" on the Neches River below Rockland Dam, authorized by the Act of March 2, 1945, (Public Law 14, 79th Cong., 1st Sess.).

Guadalupe River, Texas

9. The Canyon Reservoir Project authorized by the Act of March 2, 1945, (Public Law 14, 79th Cong., 1st Sess.).

The Administrator also shall be the marketing agent for surplus energy available to the Secretary for disposition through the Administrator from all other projects that are built by the United States Army Corps of Engineers in the area which is defined as comprising the States of Arkansas and Louisiana, that part of the States of Kansas and Missouri lying south of the Missouri River Basin, and east of the 98th meridian, and that part of the States of Texas and Oklahoma lying east of the 99th meridian and north of the San Antonio River Basin.

The duties of the Administrator hereunder shall be in addition to his duties in connection with the management and operation of the Grand River Dam Project and the marketing of energy available therefrom and from the Denison

and Norfolk Dam Projects in accordance with Executive Order 9366 (8 F. R. 10699), Executive Order No. 9373 (8 F. R. 12001), and Departmental Order No. 1865. In view of the increased responsibilities of the Administrator, this order is issued to define and amplify existing policies and procedures and the relationships of the Administrator with the Department as set forth in applicable orders of the Secretary, including Order No. 1820 as amended; which is hereby re-affirmed without modification.

II. Subject to all applicable statutes, Executive orders and orders of the Secretary, and within the limits of appropriations that may be available therefor:

1. The Administrator shall sell and dispose of all electric energy for which he is the marketing agent in such manner as to encourage the most widespread use thereof at the lowest possible rates to consumers, consistent with sound business principles, giving preference in sales to public bodies and cooperatives. To the extent and in the manner that in his judgment may be necessary or appropriate for such effective marketing of the energy available to him, the Administrator shall (a) interconnect and arrange for the integrated operation of the electric facilities of all projects for which he is hereby made the marketing agent of surplus energy; and (b) interconnect such projects with other electric power systems and interchange electric energy with and purchase and sell electric energy from and to such systems. The Administrator may exercise the powers and functions vested in the Secretary by Act of December 22, 1944 (58 Stat. 887), Executive Orders Nos. 9366 and 9373, including the construction or acquisition by purchase or other agreement, and operation of transmission lines and other electrical facilities, and may employ such personnel and take such other action as may be necessary or appropriate to carry out the provisions of this order.

2. The Administrator may make such surveys, investigations, studies, and informational reports and may undertake, cooperate, or participate in such engineering, research and demonstrational work as he may determine to be useful and appropriate to aid the development of markets for the disposition of surplus electric energy for which he is the marketing agent, the widespread distribution and abundant utilization of such energy for industrial, domestic, agricultural, and other purposes. So far as practicable the Administrator shall consult and cooperate with the several Federal agencies, including agencies within the Department of the Interior, having an interest in the economic development of the area, and with the states and public and cooperative agencies therein, in the collecting and dissemination of information and data, the development of plans and the research and demonstrational work contemplated by this order.

3. To provide the widest possible use of and reasonable outlets for electric energy marketed by the Administrator and the purchase thereof by the ultimate consumer at the lowest possible rates consistent with sound business principles, and to prevent the monopoly

of such energy by limited groups, the Administrator, to the extent and in the manner that in his judgment may be required, shall advise and assist public bodies and cooperatives who are purchasers or potential purchasers of electric energy from the Administrator in acquiring, operating, and maintaining distribution systems, or any portion or portions thereof, and related electric facilities and equipment.

4. The Administrator shall dispose of electric energy under contracts or agreements which contain such terms and conditions, including resale rate provisions, as in the judgment of the Administrator may be desirable and appropriate to effectuate the marketing policies established by the Congress and expressed in this order. Provision shall be made in contracts with privately-owned utilities engaged in the sale of electric energy to the general public to preserve and effectuate the preferential position of public bodies and cooperatives which may exist or thereafter be organized and which may desire to become purchasers of electric energy from the Administrator.

III. The Administrator shall submit promptly to the Secretary through the Division of Power a monthly and annual consolidated report of power operations, covering all projects for which the Administrator is the marketing agent and all electrical facilities under the control of the Administrator, that show income and expenses, allocation of fixed capital investments, and related financial and statistical information connected with the generation, transmission, purchase and sale of electric power and energy by the Administrator.

IV. The Administrator shall work out such arrangements with the Division and District Offices of the Corps of Engineers as may be necessary or desirable to enable the Administrator to perform his functions and duties hereunder, including arrangements for the exchange of financial information and data, and arrangements for the scheduling and delivery of electric power and energy to the Administrator for which he is the marketing agent.

V. For the coordination and integration of the program, projects, and activities of the agencies in the Department having an interest in the development of the resources of the area, and for the elimination of waste and duplication of effort, the Administrator shall advise such other agencies of the nature, scope, and progress of his activities hereunder that may concern or affect the activities of such other agencies, and shall make available to them such data and information in relation thereto as may be useful in the performance of their duties. All agencies within the Department, including field offices thereof, shall cooperate in like fashion with the Administrator.

VI. The Administrator, or such person as he may designate, shall be given opportunity to participate in the work of any intra-departmental organization or committee, and any inter-departmental organization or committee on which the Department has representation, for the making of surveys, investigations, or

studies affecting power matters in the area.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 45-21339; Filed, Nov. 27, 1945;
9:56 a. m.]

DEPARTMENT OF LABOR.

Office of the Secretary.

[WLD-141]

MOTOR TRUCK SALES AND SERVICE CO.

FINDING AS TO CONTRACT IN PROSECUTION
OF WAR

In the matter of Motor Truck and Service Co., St. Louis, Mo.; Case No. S-3449.

Pursuant to section 2 (b) (3) of the War Labor Disputes Act (Pub. No. 89, 78th Cong., 1st sess.) and the Directive of the President dated August 10, 1943, published in the FEDERAL REGISTER August 14, 1943, and

Having been advised of the existence of a labor dispute involving Motor Truck Sales and Service Company, St. Louis, Missouri,

I find that the maintenance and repair of motor vehicles used in long distance transportation of commodities by Motor Truck Sales and Service Company, St. Louis, Missouri, pursuant to contracts with over-the-road trucking concerns, are contracted for in the prosecution of the war within the meaning of section 2 (b) (3) of the War Labor Disputes Act.

Signed at Washington, D. C., this 26th day of November 1945.

L. B. SCHWELLENBACH,
Secretary.

[F. R. Doc. 45-21353; Filed, Nov. 27, 1945;
10:27 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket 2077]

DANISH AIR LINES (D. D. L.)

POSTPONEMENT OF HEARING

In the matter of the application of Danish Air Lines (D. D. L.) for a foreign air carrier permit under section 402 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act that hearing in the above-entitled matter, now assigned on November 27, 1945, is indefinitely postponed.

Dated at Washington, D. C., November 26, 1945.

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-21356; Filed, Nov. 27, 1945;
11:12 a. m.]

CIVILIAN PRODUCTION ADMINISTRATION.

[Haulage Request TR-2, Revocation]

TRANSPORTATION OF ESSENTIAL MATERIALS

Haulage Request TR-2 and amendments thereto of the War Production Board, relating to the transportation and storage of certain specified materials, is revoked effective December 31, 1945.

Issued this 27th day of November 1945.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-21364; Filed, Nov. 27, 1945;
11:21 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket Nos. 6103, 6669, 6648, 6649, 6193,
6789]

NASHVILLE RADIO CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR FURTHER HEARING ON STATED ISSUES

In re application of Nashville Radio Corporation, Nashville, Tennessee, for construction permit, Docket No. 6103, File No. B3-P-3034; A. G. Beaman and T. B. Baker, Jr., a Partnership, d/b as Capitol Broadcasting Company, Nashville, Tennessee, for construction permit, Docket No. 6669, File No. B1-P-3673; E. E. Murrey, Tony Sudekum, Harben Daniel and J. B. Fuqua, a Partnership, d/b as Tennessee Broadcasters, Nashville, Tennessee, for construction permit, Docket No. 6648, File No. B3-P-3621; J. W. Birdwell, Nashville, Tennessee, for construction permit, Docket No. 6649, File No. B3-P-3651; Tennessee Radio Corporation, Nashville, Tennessee, for construction permit, Docket No. 6193, File No. B3-P-3219; Cecil N. Elrod, Cecil N. Elrod, Jr. and S. D. Wooten, Jr., a Partnership, d/b as Murfreesboro Broadcasting Service, Murfreesboro, Tennessee, for construction permit, Docket No. 6789, File No. B3-P-3802.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of October 1945;

The Commission having under consideration the above applications of Nashville Radio Corporation (Docket No. 6103) and A. G. Beaman and T. B. Baker, Jr., a partnership d/b as Capitol Broadcasting Company (Docket No. 6669), both for permits to construct new standard broadcast stations at Nashville, Tennessee, to be operated on the frequency 1450 kilocycles; 250 watts unlimited time; the applications of E. E. Murray, Tony Sudekum, Harben Daniel and J. B. Fuqua, a partnership d/b as Tennessee Broadcasters (Docket No. 6648) and J. W. Birdwell (Docket No. 6649), both for permits to construct new standard broadcast stations at Nashville, Tennessee, to be operated on the frequency 1240 kilocycles, 250 watts unlimited time; the application of Tennessee Radio Corporation (Docket No.

6193) for a permit to construct a new standard broadcast station at Nashville, Tennessee, to be operated on the frequency 1240 kilocycles, 250 watts unlimited time, which was dismissed without prejudice on February 10, 1943, and a petition (filed September 25, 1945) of Tennessee Radio Corporation, requesting the reinstatement, leave to amend, and the granting of said application, as amended; and an application of Cecil N. Elrod, Cecil N. Elrod, Jr. and S. D. Wooten, Jr., a partnership d/b as Murfreesboro Broadcasting Service (Docket No. 6789) for a permit to construct a new station at Murfreesboro, Tennessee, to be operated on the frequency 1240 kilocycles, 250 watts unlimited time;

It is ordered, That the petition of Tennessee Radio Corporation (Docket No. 6193) be, and it is hereby granted, insofar as it requests the amendment of its application and the reinstatement of the said application, as amended.

It is further ordered, That the applications in Dockets Nos. 6103, 6669, 6648, 6649 and 6193, be and they are hereby designated for further hearing in a consolidated proceeding together with the application of Cecil N. Elrod, Cecil N. Elrod, Jr., and S. D. Wooten, Jr., a partnership d/b as Murfreesboro Broadcasting Service (Docket No. 6789), to be held at Washington, D. C., on the 19th day of December, 1945, each upon the following issue, in Dockets Nos. 6103, 6669, 6648, 6649 and 6193:

1. To determine on a comparative basis whether, in view of the facts to be adduced under the issues in Docket No. 6789 and the facts heretofore adduced under the issues in Dockets Nos. 6103, 6669, 6648, 6649 and 6193, which, if any, of the applications in this consolidated proceeding should be granted, and if so, which of the frequencies 1450 kilocycles or 1240 kilocycles should be assigned to the successful applicant or applicants.

And in the applications in Dockets Nos. 6648, 6649 and 6193, each upon the following additional issue:

2. To determine the nature, extent and effect of any interference which would result from the simultaneous operation of the proposed station with a station at Murfreesboro, Tennessee, as proposed in an application of Cecil N. Elrod, Cecil N. Elrod, Jr. and S. D. Wooten, Jr., a partnership d/b as Murfreesboro Broadcasting Service (Docket No. 6789), the areas and populations affected thereby, and the character of other broadcast service available to such areas and populations.

It is further ordered, That the application of Cecil N. Elrod, Cecil N. Elrod, Jr. and S. D. Wooten, Jr., a partnership d/b as Murfreesboro Broadcasting Service (Docket No. 6789), be and it is designated for hearing in a consolidated proceeding with Dockets Nos. 6103, 6669, 6648, 6649 and 6193, to be held at Washington, D. C. on the 19th day of December, 1945, on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership, and of its members, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered, and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other broadcast service to such areas and populations.

5. To determine the nature, extent and effect of any interference which would result from the simultaneous operation of the proposed station with stations at Nashville, Tennessee, as proposed in the applications of E. E. Murrey, Tony Sudekum, Harben Daniel and J. B. Fuqua, a partnership d/b as Tennessee Broadcasters (Docket No. 6648), J. W. Birdwell (Docket No. 6649) and Tennessee Radio Corporation (Docket No. 6193), the areas and populations affected thereby, and the character of other broadcast service available to such areas and populations.

6. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the character of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and standards of good engineering practice concerning standard broadcast stations.

8. To determine whether the erection of the antenna system proposed herein would be consistent with existing Civil Aeronautics Administration requirements and whether such antenna would create an undue aeronautical hazard.

9. To determine whether, in view of the facts to be adduced under the foregoing issues and the facts heretofore adduced under the issues in Dockets Nos. 6108, 6669, 6648, 6649 and 6193, which, if any, of the applications in this consolidated proceeding should be granted, and if so, which of the frequencies 1450 kilocycles or 1240 kilocycles should be assigned to the successful applicant or applicants.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-21328; Filed, Nov. 26, 1945;
11:59 a. m.]

[Docket No. 6984]

RAOUL CORTEZ

NOTICE OF HEARING

In the matter of modification of construction permit of Raoul Cortez, San

Antonio, Texas, Docket No. 6984, File No. B3-P-3743.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 14th day of November, 1945;

The Commission having before it the application of Austin Broadcasting Company, for construction permit (File No. B3-P-4192) to erect a new standard broadcast station at Austin, Texas, for the use of the frequency 1300 kc, with 1 kw power, unlimited time, D. A. at night;

It appearing, that on October 24, 1945, the Commission granted the application of Raoul Cortez, San Antonio, Texas, for a construction permit to erect a new standard broadcast station at that place, to operate on the frequency 1300 kc, with 1 kw power, daytime only (File No. B3-P-3743); and

It further appearing, that the use of the frequency 1300 kc, unlimited time, at Austin, Texas, may result in the addition of a new primary broadcast service day and night to a substantial population and area in and around Austin, Texas which may constitute a more efficient use of that frequency than would be the use of that frequency daytime only at San Antonio, Texas; that said frequency 1300 kc can be used unlimited time at Austin, Texas with a power output of 1 kw without resulting in objectionable interference to any existing station, provided the proposed station of Raoul Cortez at San Antonio, Texas, is shifted from the frequency 1300 to 1350 kc; that the frequency 1350 kc may be used at San Antonio, Texas, daytime only, without resulting in objectionable interference to any existing station; and that public interest, convenience and necessity may be served by assigning the frequency 1300 kc to Austin Broadcasting Company at Austin, Texas, and the frequency 1350 kc to Raoul Cortez at San Antonio, Texas;

Now, therefore, *It is ordered*, That opportunity be, and it is hereby, afforded Raoul Cortez, permittee, San Antonio, Texas, to show cause at a hearing before the Commission, commencing at 10 o'clock A. M., on Monday, the 17th day of December 1945, why the construction permit issued to Raoul Cortez, San Antonio, Texas should not be modified so as to specify the use by him of the frequency 1350 kc in lieu of the frequency 1300 kc.

It is further ordered, That the hearing in the above-entitled matter be, and it is hereby, consolidated with the hearing this day ordered upon the application of Austin Broadcasting Company, Austin, Texas, for construction permit (File No. B3-P-4192, Docket No. 6985).

[SEAL]

FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-21329; Filed, Nov. 26, 1945;
11:59 a. m.]

[Docket No. 6773]

VOICE OF MARION

NOTICE OF HEARING

In re application of O. E. Richardson, R. W. Widdel & S. G. Strasburg, d/b as

Voice of Marion (New), date filed, October 18, 1944, for construction permit; class of service, broadcast; class of station, broadcast; location, Marion, Indiana; operating assignment specified: frequency, 1230 kc; power, 250 w; hours of operation, unlimited time. Docket No. 6773, File No. B4-P-3750.

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing in consolidation with the applications of the Chronicle Publishing Company, Inc., Marion, Indiana (File No. B4-P-4109; Docket No. 6798) and Booth Radio Stations, Inc., Logansport, Indiana (File No. B4-P-4108; Docket No. 6799), to be held in Washington, D. C. on December 19, 1945 at 10:00 a. m. on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership, and of its members, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine the qualifications of the personnel to be employed in the operation of the proposed station.

5. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and stations WHBU, Anderson, Indiana, WCPO, Cincinnati, Ohio, WBOW, Terre Haute, Indiana and WJOB, Hammond, Indiana, the areas and populations affected thereby, and the character of other broadcast service available to such areas and populations.

6. To determine whether the operation of the proposed station would involve objectionable interference with any other existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine the extent of any interference which would result from the simultaneous operation of the proposed station, and a station at Logansport, Indiana, as proposed in the application of Booth Radio Stations, Inc. (File No. B4-P-4108; Docket No. 6799), the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

8. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

9. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and standards of

good engineering practice concerning standard broadcast stations.

10. To determine whether the erection of the antenna system proposed herein would be consistent with existing Civil Aeronautics Administration requirements and whether such antenna would create an undue aeronautical hazard.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: O. E. Richardson, R. W. Widdel & S. G. Strasburg d/b as Voice of Marion, 449 State Street, Hammond, Indiana.

Dated at Washington, D. C., November 19, 1945.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-21330; Filed, Nov. 26, 1945; 11:59 a. m.]

[Docket No. 6798]

CHRONICLE PUBLISHING CO., INC.

NOTICE OF HEARING

In re application of Chronicle Publishing Company, Inc. (New), for construction permit; class of service, broadcast; location, Marion, Indiana; operating assignment specified: frequency, 1230 kc; power, 250 w; hours of operation, unlimited time. Docket No. 6798; File No. B4-P-4109.

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing in consolidation with the applications of O. E. Richardson, R. W. Widdel and S. G. Strasburg, d/b as "Voice of Marion," Marion, Indiana (File No. B4-P-3750; Docket No. 6773) and Booth Radio Stations, Inc., Logansport, Indiana (File No. B4-P-4108; Docket No. 6799), to be held in Washington, D. C. on December 19, 1945, at 10:00 a. m., on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, and of its officers, directors, and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine the qualifications of the personnel to be employed in the operation of the proposed station.

5. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and stations WEBU, Anderson, Indiana, WCPO, Cincinnati, Ohio, WBOW, Terre Haute, Indiana and WJOB, Hammond, Indiana, the areas and populations affected thereby, and the character of other broadcast service available to such areas and populations.

6. To determine whether the operation of the proposed station would involve objectionable interference with any other existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine the extent of any interference which would result from the simultaneous operation of the proposed station, and a station at Logansport, Indiana, as proposed in the application of Booth Radio Stations, Inc. (File No. B4-P-4108; Docket No. 6799), the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

8. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

9. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and standards of good engineering practice concerning standard broadcast stations.

10. To determine whether the erection of the antenna system proposed herein would be consistent with existing Civil Aeronautics Administration requirements and whether such antenna would create an undue aeronautical hazard.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Chronicle Publishing Company, Inc., 610 South Adams Street, Marion, Indiana.

Dated at Washington, D. C., November 19, 1945.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-21331; Filed, Nov. 20, 1945; 11:59 a. m.]

[Docket No. 6793]

BOOTH RADIO STATIONS, INC.

NOTICE OF HEARING

In re application of Booth Radio Stations, Inc. (New), for construction permit; class of service, broadcast; class of station, broadcast; location, Logansport, Indiana; operating assignment specified: Frequency, 1230 kc; Power, 100 w; Hours of operation, unlimited time. Docket No. 6793; File No. B4-P-4108.

You are hereby notified that the Commission has examined the application in the above entitled case and has designated the matter for hearing in consolidation with the applications of the Chronicle Publishing Company, Inc., Marion, Indiana (File No. B4-P-4109; Docket No. 6798) and O. E. Richardson, R. W. Widdel and S. G. Strasburg, d/b as "Voice of Marion," Marion, Indiana (File No. B4-P-3750; Docket No. 6773), to be held in Washington, D. C., on December 19, 1945, at 10:00 a. m., on the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, and of its officers, directors, and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine the qualifications of the personnel to be employed in the operation of the proposed station.

5. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and a station at Marion, Indiana, as proposed in the applications of O. E. Richardson, R. W. Widdel and S. G. Strasburg, d/b as "Voice of Marion" (File No. B4-P-3750; Docket No. 6773) and the Chronicle Publishing Company, Inc., (File No. B4-P-4109; Docket No. 6798), the areas and populations affected thereby, and the character of other broadcast service available to such areas and populations.

7. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

8. To determine whether the installation and operation of the proposed station

tion would be in compliance with the Commission's rules and standards of good engineering practice concerning standard broadcast stations.

9. To determine whether the erection of the antenna system proposed herein would be consistent with existing Civil Aeronautics Administration requirements and whether such antenna would create an undue aeronautical hazard.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules of practice and procedure. Persons other than the applicant herein and the applicants already made a party by consolidation, who desire to be heard must file a petition to intervene in accordance with the provisions of §§ 1.102, 1.141 and 1.142 of the Commission's rules of practice and procedure.

The applicant's address is as follows: Booth Radio Stations, Inc., 3100 Eaton Tower, Detroit, Michigan.

Dated at Washington, D. C., November 19, 1945.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-21332; Filed, Nov. 26, 1945;
11:59 a. m.]

STATION KROY, SACRAMENTO, CALIF.

PROPOSED ASSIGNMENT OF LICENSE

The Commission hereby gives notice that on November 14, 1945 there was filed with it an application (B5-AL-508) for its consent under section 310 (b) of the Communications Act (47 U. S. C. A. 310) to the proposed assignment of license of standard broadcast station KROY, Sacramento, California from Royal Miller, Marion Miller, L. H. Penney, and Gladys W. Penney, a partnership doing business as Royal Miller Radio, to Harmco, Inc. (a California corporation), Sacramento, California. The proposal to assign said license is based upon an agreement between the above indicated partners and Harmco, Inc. dated October 25, 1945 pursuant to which said partners agree to sell to said corporation the properties, business, and good will of Station KROY (except accounts receivable) for a purchase price of \$150,000 of which amount \$10,000 is to be paid in escrow (to the Capital National Bank of Sacramento), the remaining \$140,000 to be paid immediately upon notification by the Commission of approval of the proposed assignment. Other details of the contract and concerning the application may be determined from the application on file at the offices of the Commission.

In the Commission's decision of September 6, 1945 granting the application for transfer of control of the Crosley Corporation (Docket No. 6767), it was announced that public hearings would be held to consider proposed new rules and regulations for the handling of assignment and transfer applications including provision for public notice by the applicant and the Commission of the

filing of such applications and pertinent details in cases where a controlling interest is involved. Thereafter on October 3, 1945, the Commission also gave public notice (10 FR 12926) that pending the issuance of such proposed new rules, hearing thereon, and final adoption, such applications would be deferred unless applicants desired to follow the procedure proposed in the WLW decision, and supplement their applications so as to come within the framework of the announced procedure including the provision for public notice. Pursuant thereto the Commission was advised on November 14, 1945 that notice would be inserted in a newspaper of general circulation in Sacramento, California of the proposed assignment of the license and sale of the properties and business of KROY as indicated above.

In accordance with the procedure proposed in the WLW decision and that announced in the Commission's release no action will be had upon the KROY application for a period of 60 days from November 14, 1945, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above-described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. 310 (b))

[SEAL]

FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-21352; Filed, Nov. 27, 1945;
10:14 a. m.]

KMTR RADIO CORP.

PROPOSED TRANSFER OF CONTROL

The Commission hereby gives notice that on November 9, 1945, there was filed with it an application (B5-TC-471) for its consent under section 310 (b) of the Communications Act (47 U.S.C. 310) to the proposed transfer of control of KMTR Radio Corporation (licensee of standard broadcast station KMTR, Los Angeles, California) from Marilynne Dalton Alcorn and other stockholders to Dorothy S. Thackrey, 75 West Street, New York City. The proposed transfer of control of the above licensee is based upon a contract entered into between the selling stockholders and the proposed stock purchaser, Dorothy S. Thackrey, June 6, 1945, as supplemented by a further contract of September 12, 1945, and escrow arrangements with the Chemical Bank and Trust Company of New York. Pursuant to the arrangements, purchaser proposes to acquire 747½ shares of the 1,000 shares issued and outstanding of the common voting stock of licensee for \$375 per share, subject to certain adjustments as to differences between current assets and liabilities upon closing. The stock certificates, resignations of officials, and cash, cashier's check, or bonds in the amount of the consideration are to be delivered in escrow to the aforementioned escrow agent subject to Commission approval of the application. The agreement shall be null and void if the Commission denies the application on or

before December 31, 1945, or if such approval is not obtained prior to said date, subject to an option in purchaser to extend the time to March 31, 1946. Further details as to the arrangements between the parties and pertaining to the application may be determined from an examination of the application and associated papers on file at the offices of the Commission.

In the Commission's decision of September 6, 1945, granting the application for transfer of control of the Crosley Corporation (Docket No. 6767), it was announced that public hearings would be held to consider proposed new rules and regulations for the handling of assignment and transfer applications including provision for public notice by the applicant and the Commission of the filing of such applications and pertinent details in cases where a controlling interest is involved. Thereafter, on October 3, 1945, the Commission also gave public notice (10 FR 12926) that pending the issuance of such proposed new rules, hearing thereon, and final adoption, consideration of such applications would be deferred unless applicants desired to follow the procedure proposed in the WLW decision, and supplement their applications so as to come within the framework of the announced procedure including the provision for public notice. Pursuant thereto, the Commission was advised on November 16, 1945, that notice would be inserted in the Los Angeles Daily News (a Los Angeles paper of general circulation) of the proposed transfer of control of the licensee.

In accordance with the procedure proposed in the WLW decision and that announced in the Commission's release, no action will be had upon the KMTR application for a period of 60 days from November 9, 1945, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above-described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U.S.C. 310 (b))

[SEAL]

FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-21351; Filed, Nov. 27, 1945;
10:14 a. m.]

[Docket No. 6100]

NEWARK BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Newark Broadcasting Corporation, Newark, New Jersey, for construction permit. Docket No. 6100; File No. B1-P-3249.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of October, 1945;

The Commission having under consideration (1) the above-entitled application of Newark Broadcasting Corporation, for a permit to construct a new standard broadcast station at Newark, New Jersey, to be operated on the fre-

quency 620 kilocycles, with power of 5 kilowatts, unlimited time, using a directional antenna day and night; which application, by Order of the Commission, dated November 9, 1944, was reinstated and designated for hearing upon certain issues contained in the said Order, of November 9, 1944; and (2) the petitions of Newark Broadcasting Corporation, dated respectively January 15, 1945 and September 7, 1945, requesting the "reinstatement" and grant of the above-entitled application;

It is ordered, That the said application be, and the same is hereby designated for hearing in a consolidated proceeding with the applications of: Donald Flamm, New York, N. Y. (Docket No. 6790); The Metropolitan Broadcasting Service, New York, N. Y. (Docket No. 6791); WAGE, Inc. (WAGE), Syracuse, New York (Docket No. 6792); and WCAX Broadcasting Corporation (WCAX), Burlington, Vermont (Docket No. 6793), to be held at Washington, D. C. on the 7th day of January 1946, upon the following issues in Docket No. 6190:

1. To obtain information concerning the legal, technical, financial and other qualifications of the applicant corporation, and of its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and what other broadcast services are available to these areas and populations.

3. To obtain information concerning the type and character of the program service which applicant may be expected to render and to determine the extent to which such service is now being rendered by any other station or stations servicing the proposed area in whole or in part.

4. To determine the nature of any interference which would result from the simultaneous operation of the proposed station and (1) from the daytime operation of Station WIP, Philadelphia, Pa., and (2) from the daytime operation of Station WICC, Bridgeport, Conn., as well as the areas and populations affected thereby, and the nature of other broadcast services available to those areas and populations.

5. To determine whether the antenna, transmitter and other items of equipment proposed to be employed in the construction and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice.

6. To determine whether the operation of the proposed station at the transmitter site specified would be satisfactory and consistent with the Commission's Standards of Good Engineering Practice.

7. To determine whether the operation of the proposed station would provide (1) a minimum field intensity of 25 mv/m to the business district of Newark, and (2) primary service to the New York-Northeastern New Jersey Metropolitan District, in accordance with the Commission's Rules and Standards of Good Engineering Practice.

8. To determine the nature, extent and effect of any interference which would

result from the simultaneous operation of the proposed station and from the operation of stations at New York, N. Y., as proposed in the applications of Donald Flamm (Docket No. 6790) and The Metropolitan Broadcasting Service (Docket No. 6791); Station WAGE at Syracuse, New York, as proposed in the application of WAGE, Inc. (Docket No. 6792); and Station WCAX at Burlington, Vermont, as proposed in the application of WCAX Broadcasting Corporation (Docket No. 6793); the areas and populations affected thereby, and the character of other broadcast service available to such areas and populations.

9. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any other pending applications for broadcasting facilities and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

10. To determine whether, in view of the facts adduced under the above issues, as well as under the issues in the applications of Donald Flamm (Docket No. 6790), The Metropolitan Broadcasting Service (Docket No. 6791), WAGE, Inc. (WAGE) (Docket No. 6792), and WCAX Broadcasting Corporation (WCAX) (Docket No. 6793), any of these conflicting applications should be granted, and if so, which one.

11. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

NOTE: The above issues supersede and replace the issues heretofore promulgated in the Commission's Order of November 9, 1944.

It is further ordered, That the Pennsylvania Broadcasting Company (WIP), Philadelphia, Pennsylvania, and the Yankee Network (WICC), Bridgeport, Connecticut, be and they are hereby made parties to this proceeding.

It is further ordered, That the above petitions of Newark Broadcasting Corporation, be and they are hereby dismissed.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-21343; Filed, Nov. 27, 1945;
10:12 a. m.]

[Docket No. 6790]

DONALD FLAMM

ORDER DESIGNATING APPLICATION FOR HEARING
ON STATED ISSUES

In re application of Donald Flamm, New York City, New York, for construction permit. File No. B1-P-4056; Docket No. 6790.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 23rd day of October, 1945;

The Commission having under consideration the above-entitled application of Donald Flamm, for a permit to construct a new standard broadcast station at New York City, New York, to be operated on

the frequency 620 kilocycles, with power of 5 kilowatts, unlimited time;

It is ordered, That the said application be, and the same is hereby designated for hearing in a consolidated proceeding with the applications of: The Metropolitan Broadcasting Service, New York City, New York (Docket No. 6791); WAGE, Inc. (WAGE), Syracuse, New York (Docket No. 6792); WCAX Broadcasting Corporation (WCAX), Burlington, Vermont (Docket No. 6793), and Newark Broadcasting Corporation, Newark, New Jersey (Docket No. 6190), to be held at Washington, D. C., on the 7th day of January 1946, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine the nature, extent and effect of any interference which would result from the simultaneous operation of the proposed station and from the operation of Station WAGE at Syracuse, New York, as proposed in the application of WAGE, Inc. (Docket No. 6792); Station WCAX at Burlington, Vermont, as proposed in the application of WCAX Broadcasting Corporation (Docket No. 6793), and a new station at Newark, New Jersey, as proposed in the application of Newark Broadcasting Corporation (Docket No. 6190), the areas and populations affected thereby, and the character of other broadcast service available to such areas and populations.

6. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning standard broadcast stations.

8. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

9. To determine whether in view of the facts adduced under the foregoing issues and under the issues in the applications of The Metropolitan Broadcasting Service (Docket No. 6791), WAGE, Inc. (WAGE) (Docket No. 6792), WCAX

Broadcasting Corporation (WCAX) (Docket No. 6793) and Newark Broadcasting Corporation (Docket No. 6190), any of these conflicting applications should be granted, and if so, which one.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-21344; Filed, Nov. 27, 1945;
10:12 a. m.]

[Docket No. 6791]

THE METROPOLITAN BROADCASTING
SERVICE

ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of The Metropolitan Broadcasting Service, New York City, New York, for construction permit. File No. B1-P-4099; Docket No. 6791.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of October 1945:

The Commission having under consideration the above-entitled application of The Metropolitan Broadcasting Service, for a permit to construct a new standard broadcast station at New York City, New York, to be operated on the frequency 620 kilocycles with power of 5 kilowatts, unlimited time:

It is ordered, That the said application be, and the same is hereby designated for hearing in a consolidated proceeding with the applications of: Donald Flamm, New York City, New York (Docket No. 6790), WAGE, Inc. (WAGE), Syracuse, New York (Docket No. 6792), WCAX Broadcasting Corporation (WCAX), Burlington, Vermont (Docket No. 6793), and Newark Broadcasting Corporation, Newark, New Jersey (Docket No. 6190), to be held at Washington, D. C., on the 7th day of January 1946, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation and of its directors, officers and stockholders, to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine the nature, extent and effect of any interference which would result from the simultaneous operation of the proposed station and from the operation of Station WAGE at Syracuse, New York as proposed in the application

of WAGE, Inc., (Docket No. 6792); Station WCAX at Burlington, Vermont as proposed in the application of WCAX Broadcasting Corporation (Docket No. 6793), and a new station at Newark, New Jersey as proposed in the application of Newark Broadcasting Corporation (Docket No. 6190), the areas and populations affected thereby, and the character of other broadcast service available to such areas and populations.

6. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and standards of Good Engineering Practice concerning standard broadcast stations.

8. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

9. To determine whether in view of the facts adduced under the foregoing issues and under the issues in the applications of Donald Flamm, (Docket No. 6790), WAGE, Inc. (WAGE) (Docket No. 6792), WCAX Broadcasting Corporation (WCAX) (Docket No. 6793) and Newark Broadcasting Corporation (Docket No. 6190), any of these conflicting applications should be granted, and if so, which one.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-21345; Filed, Nov. 27, 1945;
10:12 a. m.]

[Docket No. 6792]

WAGE, Inc.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of WAGE, Inc. (WAGE), Syracuse, New York, for construction permit. File No. B1-P-4098, Docket No. 6792.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of October 1945:

The Commission having under consideration the above-entitled application of WAGE, Inc. (WAGE), for a construction permit to increase the power of Station WAGE, Syracuse, New York (operating on the frequency 620 kilocycles) from 1 to 5 kilowatts, to install new transmitter and to make changes in the directional antenna for a nighttime use:

It is ordered, That the said application be, and it is hereby designated for hearing, in a consolidated proceeding with the applications of Donald Flamm, New York City, New York (Docket No. 6790); The Metropolitan Broadcasting Service, New York City,

New York (Docket No. 6791), WCAX Broadcasting Corporation (WCAX), Burlington, Vermont (Docket No. 6793), and Newark Broadcasting Corporation, Newark, New Jersey (Docket No. 6190), to be held at Washington, D. C., on the 7th day of January 1946, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation and of its directors, officers and stockholders, to construct and operate Station WAGE as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the proposed operation of Station WAGE would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine the nature, extent and effect of any interference which would result from the simultaneous operation of Station WAGE as proposed and from the operation of new stations at New York City, New York as proposed in the application of Donald Flamm (Docket No. 6790) and The Metropolitan Broadcasting Service (Docket No. 6791), from Station WCAX at Burlington, Vermont as proposed in the application of WCAX Broadcasting Corporation (Docket No. 6793), and a new station at Newark, New Jersey as proposed in the application of Newark Broadcasting Corporation (Docket No. 6190), the areas and populations affected thereby and the character of other broadcast service available to such areas and populations.

6. To determine whether the proposed operation of Station WAGE would involve objectionable interference with services proposed in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the proposed operation of Station WAGE would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning standard broadcast stations.

8. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

9. To determine whether in view of the facts adduced under the foregoing issues and under the issues in the applications of Donald Flamm (Docket No. 6790), The Metropolitan Broadcasting Service (Docket No. 6791), WCAX Broadcasting Corporation (WCAX) (Docket No. 6793) and Newark Broadcasting Corporation (Docket No. 6190), any of these

conflicting applications should be granted, and if so, which one.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-21346; Filed, Nov. 27, 1945;
10:12 a. m.]

[Docket No. 6793]

WCAX BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of WCAX Broadcasting Corporation (WCAX), Burlington, Vermont, for construction permit. File No. B1-P-3961; Docket No. 6793.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of October 1945;

The Commission having under consideration the above application of WCAX Broadcasting Corporation, for a permit to increase the power of Station WCAX, Burlington, Vermont (operating on the frequency 620 kilocycles) from 1 to 5 kilowatts, to install a new transmitter and to make changes in the directional antenna;

It is ordered, That the said application be, and it is hereby designated for hearing, in a consolidated proceeding with the applications of Donald Flamm, New York City, New York (Docket No. 6790), The Metropolitan Broadcasting Service, New York City, New York (Docket No. 6791), WAGE, Inc. (WAGE), Syracuse, New York (Docket No. 6792) and Newark Broadcasting Corporation, Newark, New Jersey (Docket No. 6190), to be held at Washington, D. C., on the 7th day of January 1946, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation and of its directors, officers and stockholders, to construct and operate Station WCAX as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WCAX and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the areas and populations proposed to be served.

4. To determine whether the proposed operation of Station WCAX would involve objectionable interference with any existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine the nature, extent and effect of any interference which would result from the simultaneous operation of Station WCAX as proposed with new stations at New York City, New York as proposed in the applications of Donald Flamm (Docket No. 6790) and The Metropolitan Broadcasting Service (Docket No. 6791); Station WAGE at Syracuse, New York, as proposed in the applica-

tion of WAGE, Inc. (Docket No. 6792), and a new station at Newark, New Jersey, as proposed in the application of Newark Broadcasting Corporation (Docket No. 6190); the areas and populations affected thereby and the character of other broadcast service available to such areas and populations.

6. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in any other pending applications for broadcast facilities, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

7. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice concerning standard broadcast stations.

8. To determine whether the erection of the antenna system proposed herein would be consistent with Civil Aeronautics Administration requirements.

9. To determine whether, in view of the facts adduced under the foregoing issues and under the issues in the applications of Donald Flamm (Docket No. 6790), The Metropolitan Broadcasting Service (Docket No. 6791), WAGE, Inc. (WAGE) (Docket No. 6792) and Newark Broadcasting Corporation (Docket No. 6190), any of these mutually exclusive applications should be granted, and if so, which one.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-21347; Filed, Nov. 27, 1945;
10:12 a. m.]

[Docket No. 6936]

FRANK PARKER

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING

In re application of Frank Parker, Danbury, Connecticut, for construction permit. Docket No. 6986; File No. B1-P-4209.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of November 1945;

The Commission having under consideration an application (filed November 9, 1945) by Frank Parker, for a construction permit (File No. B1-P-4209; Docket No. 6986) for a new standard broadcast station at Danbury, Connecticut, using the frequency 1490 kc. with 100 watts power, unlimited time, together with a petition requesting that the said application be consolidated for hearing with the three following conflicting applications, namely: Murray L. Grossman, tr/as The Danbury Broadcasting Company (File No. B1-P-4017; Docket No. 6896); The Berkshire Broadcasting Corporation (File No. B1-P-4155; Docket No. 6897), both for Danbury, Connecticut; and Torrington Broadcasting, Inc., Torrington, Connecticut (File No. B1-P-4154; Docket No. 6895),

(all seeking the use of 1490 kc. with 250 watts power, unlimited time), which on October 23, 1945, were designated for hearing in a consolidated proceeding:

It is ordered, That the above petition be granted; and

It is further ordered, That the application of Frank Parker be, and it is hereby designated for hearing in a consolidated proceeding with the above applications of Murray L. Grossman, tr/as The Danbury Broadcasting Company, The Berkshire Broadcasting Corporation, and Torrington Broadcasting, Inc.

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-21348; Filed, Nov. 27, 1945;
10:12 a. m.]

[Docket No. 6937]

PORT HURON BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of the application of Herman L. Stevens and Harmon L. Stevens, d/b as Port Huron Broadcasting Company (WHLS), Port Huron, Michigan, for renewal of license. File No. B2-R-976; Docket No. 6937.

Whereas, a complaint has been received alleging that Herman L. Stevens and Harmon L. Stevens, licensees of Station WHLS, Port Huron, Michigan, after having sold time to Carl E. Muir for a series of broadcasts in support of his candidacy for re-election as a City Commissioner of Port Huron at a municipal election held on April 2, 1945, cancelled the scheduled broadcasts after receipt and examination of the script of the first broadcast prior to its delivery and refused to permit the use of the station's facilities by said Muir on the ground that they believed the script to be unsuitable for broadcasting and to contain certain libelous or defamatory remarks; and

Whereas, a second complaint has been received alleging that the said licensees, after having sold other time for broadcasts in behalf of the candidacies of Harold E. Davis and Nelson Tobias, also candidates for the office of City Commissioner, cancelled the proposed broadcasts because "Mr. Muir has seen fit to cause trouble for WHLS" and the licensees were therefore "refusing the facilities of WHLS to any candidate" for City Commissioner; and

Whereas, it appears that the facilities of Station WHLS were in fact used by Mr. Muir for delivery of a political address on March 5, 1945;

Now, therefore, it is hereby ordered, This 21st day of November, 1945, that pursuant to the provisions of section 309 (a) of the Communications Act of 1934, as amended, the application for renewal of license of Herman L. Stevens and Harmon L. Stevens, d/b as Port Huron Broadcasting Company, licensees of Radio Station WHLS, Port Huron, Michigan, be, and it is hereby, designated for hearing to determine (1) whether the refusal of the said licensees to permit their facilities to be used for the scheduled broadcast by the said Muir consti-

tuted an act of censorship by the said licensees in violation of the provisions of section 315 of the Communications Act, and (2) whether the refusal of said licensees to permit their facilities to be used by any of the candidates referred to above on the ground that the facilities were not to be used by any candidate constituted a violation of the provisions of section 315 of the Communications Act of 1934, as amended.

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary

[F. R. Doc. 45-21349; Filed, Nov. 27, 1945;
10:12 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-667, G-668, G-672, G-673]

NORTHERN NATURAL GAS CO.

APPLICATION FOR CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY

NOVEMBER 23, 1945

It appearing to the Commission that:

(a) On November 9, 1945, the Commission set the matters involved and the issues presented by the applications for certificates of public convenience and necessity under section 7 (c) of the Natural Gas Act in the above dockets for consolidated hearing in Washington, D. C., on November 28, 1945;

(b) Telegraphic requests have been received from counsel for the railroads serving Iowa and Minnesota and counsel for Maher Coal Bureau, representing Northwest Coal Docks at the head of the Lakes, asking that the hearing in these matters now set for November 28, 1945, be postponed, and representing that attendance at hearings in the Natural Gas Investigation, Docket No. G-580, has made appropriate preparation for such hearing impossible;

(c) On November 5, 1945, Northern Natural Gas Company, on the ground that this winter's requirements of firm customers create an emergency situation justifying the issuance of certificate of public convenience and necessity pursuant to the provisions of section 7 (c) of the Natural Gas Act, as amended, requested authorization to construct and operate the following facilities for which, in addition to other construction, an application for certificate of public convenience and necessity was filed on September 27, 1945, in Docket No. G-667:

Estimated cost
of construction

1. Construction of approximately 20.1 miles of the 31.56 miles of 20-inch O. D. loop line in Iowa, described on page 6 of the Application, extending Northerly from Applicant's Ogden Compressor Station----- \$469, 417
2. Construction of approximately 9.8 miles of the 37.85 miles of 24-inch O. D. loop line in Kansas, described on page 5 of the Application, extending Northeastly from a point 23.7 miles Northeast of Applicant's Mulvillville Compressor Station in continuation of existing loop----- 291, 043

3. Construction of approximately 7.0 miles of the 30.0 miles of 24-inch loop line described on page 5 of the Application, extending Northeastly from a point approximately 42.5 miles Northeast of Applicant's Bush-ton Compressor Station in continuation of existing loop line-----	\$213, 099
4. Construction of approximately 13.5 miles of 24-inch O. D. pipe line as described on pages 5 and 6 of the Application, extending Southwesterly from Applicant's Beatrice Compressor Station-----	434, 189
Total-----	\$1, 407, 748

The Commission finds that:

(1) Good cause exists for the postponement of the public hearing in the above consolidated proceedings now set to begin on November 28, 1945, in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C.;

(2) It is appropriate in the public interest that a public hearing be held respecting the matters involved and the issue arising out of the application of Northern Natural Gas Company for authority to construct and operate the facilities described in paragraph (c) above;

The Commission orders that:

(A) The public hearing with respect to the consolidated proceedings now set to begin on November 28, 1945, in Washington, D. C., be and the same is hereby postponed to a date to be hereafter fixed by order of the Commission;

(B) A public hearing be held with respect to the matters involved and the issues presented by the application of Northern Natural Gas Company for a certificate of public convenience and necessity under section 7 (c) of the Natural Gas Act, as amended, with respect to the facilities set forth in paragraph (c) above, beginning on December 3, 1945, at 10:00 a. m. (C. s. t.) in Room 1050, U. S. Custom House, 610 S. Canal Street, Chicago, Illinois.

(C) Interested State commissions may participate in this hearing in accordance with § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-21342; Filed, Nov. 27, 1945;
9:56 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 379]

UNLOADING OF CRANE PARTS AT NEW
ORLEANS, LA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of November, A. D. 1945.

It appearing, that car PRR 281820 containing crane parts at New Orleans, Louisiana, on the Louisville and Nash-

ville Railroad Company has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action; it is ordered, that:

Crane parts at New Orleans, Louisiana, be unloaded. (a) The Louisville and Nashville Railroad Company, its agents or employees shall unload forthwith car PRR 281820 containing crane parts on hand at New Orleans, Louisiana, consigned Higgins Industries, New Orleans, Louisiana.

(b) Said carrier shall notify the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., when such carload has been completely unloaded in compliance with the requirements of paragraph (a). Upon the unloading and receipt of such notice this order shall expire. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2))

It is further ordered, that this order shall become effective immediately, and that a copy of this order and direction shall be served upon the Louisville and Nashville Railroad Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-21394; Filed, Nov. 27, 1945;
11:49 a. m.]

[S. O. 380]

EMBARGO OF LESS CARLOAD FREIGHT AT
TWIN CITIES, MINN.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of November A. D. 1945.

It appearing, that a strike of terminal truck lines at Minneapolis, St. Paul and Minnesota Transfer, Minnesota, is causing congestion of freight houses of rail carriers serving these points and that the said rail carriers are unable to accept the less-than-carload traffic offered to them for movement over their lines; the Commission is of the opinion an emergency exists requiring immediate action at those three points to avoid congestion of traffic, and to best promote the service in the interest of the public and the commerce of the people: It is ordered, that

Embargo of less carload freight at Twin Cities. (a) No common carrier by railroad subject to the Interstate Commerce Act serving, Minneapolis, St. Paul or Minnesota Transfer, Minnesota, shall accept any outbound less-than-carload shipment of freight at those points.

(b) *Effective date.* This order shall become effective at 12:01 a. m., November 27th, 1945.

(c) *Expiration date.* This order shall expire at 12:01 a. m., December 6th, 1945, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485; sec. 4, 10; 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17), 15 (4))

It is further ordered, that copies of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-21395; Filed, Nov. 27, 1945;
11:49 a. m.]

[S. O. 368, Special Permit 1]

UNLOADING OF FREIGHT CARS AT WASHINGTON, D. C.

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph of Service Order No. 368 (10 F.R. 14030), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 368 insofar as it applies to the unloading of 300 cars at Washington, D. C.

This special permit shall expire at 11:59 p. m. November 26, 1945.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 21st day of November 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-21396; Filed, Nov. 27, 1945;
11:49 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 5390]

MARTHA S. PARKER

In re: Trust under the will of Martha S. Parker, deceased; File No. D-6-1211; E. T. Sec. 13572.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended,

and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Martha Sakrausky and her issue, and each of them, in and to the trust created under the will of Martha S. Parker, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Martha Sakrausky, Austria.
Issue of Martha Sakrausky, Austria.

That such property is in the process of administration by The Fiduciary Trust Company, as sole and surviving trustee under the will of Martha S. Parker, acting under the judicial supervision of the Probate Court, County of Essex, State of Massachusetts;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 26, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-21357; Filed, Nov. 27, 1945;
11:13 a. m.]

[Vesting Order 5391]

MARY MARTHA TAYLOR

In re: Estate of Mary Martha Taylor, deceased; File No. 017-11015.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended,

and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Martha Sakrausky and her issue, and each of them, in and to the Estate of Mary Martha Taylor, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Martha Sakrausky, Austria.
Issue of Martha Sakrausky, Austria.

That such property is in the process of administration by George F. Lewis, as Executor, acting under the judicial supervision of the Surrogate's Court, Westchester County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 26, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-21353; Filed, Nov. 27, 1945;
11:13 a. m.]

[Vesting Order 5332]

HARLAND B. TIBBETTS

In re: Estate of Harland B. Tibbetts, deceased; File No. 017-11015.

Under the authority of the Trading with the Enemy Act, as amended, and

Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Martha Sakrausky and her issue, and each of them, in and to the Estate of Harland B. Tibbetts, deceased, is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Martha Sakrausky, Austria.
Issue of Martha Sakrausky, Austria.

That such property is in the process of administration by Florence G. Tibbetts, as Executrix, acting under the judicial supervision of the Surrogate's Court, Kings County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof, in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on November 26, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-21359; Filed, Nov. 27, 1945;
11:13 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[SO 119, Order 18]

THE PRETTY-SCHEFFER CO.

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed

with the Division of the Federal Register, and pursuant to sections 13 and 14 of Supplementary Order No. 119, it is ordered:

(a) *Manufacturer's maximum prices.* The Pretty-Scheffer Company, Cambridge Street, Coshocton, Ohio, may increase by no more than 14.5 percent its ceiling prices to each class of purchaser for natural rubber bathroom accessories of its manufacture.

(b) *Ceiling prices of purchasers for resale.* Purchasers for resale of such articles which the manufacturer has sold at adjusted maximum prices shall determine their ceiling prices as follows:

(1) A purchaser for resale who delivered or offered for delivery during March 1942 an article which meets the definition of "most comparable article" contained in § 1499.3 (a) of the General Maximum Price Regulation, except that it need not be currently offered for sale shall calculate his ceiling price by adding to his invoice cost the same markup which he had on that comparable article, according to the method and procedure set forth in that section.

The determination of a ceiling price in this way need not be reported to the Office of Price Administration; however, each seller must keep complete records showing all the information called for by OPA Form 620-759 with regard to how he determined his ceiling price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(2) If a purchaser for resale cannot determine his ceiling price under the above method, he shall apply to the Office of Price Administration for the establishment of his ceiling price under § 1499.3 (c) of the General Maximum Price Regulation. Ceiling prices established under that section will reflect the supplier's prices adjusted in accordance with this order.

(c) *Terms of sale.* Ceiling prices adjusted by this order are subject to each seller's terms, discounts, and allowances on sales to each class of purchaser in effect during March 1942, or thereafter properly established under OPA regulations.

(d) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale on and after the effective date of this order, showing prices adjusted in accordance with this order, the seller shall notify the purchaser in writing of the method established in paragraph (b) of this order for determining adjusted maximum prices for resale of the articles. This notice may be given in any convenient form.

(e) All requests for adjustment of maximum prices not specifically granted by this order are hereby denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

(g) This order shall become effective on November 27, 1945.

Issued this 26th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-21327; Filed, Nov. 26, 1945;
11:45 a. m.]

[RFS 40, Order 20]

IDEAL BRASS WORKS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1346.1 (b) (3) of Revised Price Schedule No. 40, it is ordered:

(a) The maximum list prices, f. o. b. point of shipment, for sales by the Ideal Brass Works of the following sash lifts manufactured by the Ideal Brass Works and as described in the application dated September 27, 1945 which is on file with the Building Materials Price Branch, Office of Price Administration, Washington 25, D. C., shall be:

Metal and finish:	Maximum list price per dozen
Steel, polished brass.....	\$2.10
Steel, dull bronze.....	2.10
Steel, dull brass.....	2.10
Steel, dull nickel.....	2.70
Steel, polished nickel.....	2.70
Steel, polished chrome.....	3.24
Brass and bronze, dull brass.....	3.24
Brass and bronze, polished brass.....	3.24
Brass and bronze, dull bronze.....	3.24
Brass and bronze, dull nickel.....	3.78
Brass and bronze, polished chromium.....	4.32

(b) The maximum list prices set forth in (a) above are subject to the following functional discounts:

On sales to jobbers—50-5 percent.
On sales to retailers—33 1/3 percent.

(c) *Jobbers' and retailers' maximum prices.* The maximum prices for sales by jobbers and retailers of the following sash lifts manufactured by the Ideal Brass Works, shall be:

Metal	Finish	On sales to retailers (per dozen)	On sales to consumers (each)
Steel.....	Polished brass.....	\$1.44	Cents 20
	Dull bronze.....	1.44	20
	Dull brass.....	1.44	20
	Dull nickel.....	1.80	25
	Polished nickel.....	1.80	25
Brass or bronze.....	Polished chrome.....	2.16	30
	Dull brass.....	2.16	30
	Polished brass.....	2.16	30
	Dull bronze.....	2.16	30
	Dull nickel.....	2.52	35
	Polished chromium.....	2.88	40

(d) The maximum prices established in (a) (b) and (c) above shall be subject to the most favorable discounts and allowances, including transportation allowances and price differentials that the manufacturer and jobbers extended or rendered or would have extended or rendered on comparable sales of other builders' hardware items during the period October 1-15, 1941. Retailers shall extend the same price differentials which they extended or rendered or would have extended or rendered during March 1942 on sales of comparable builders' hardware items.

(e) Each seller covered by this order, except a retailer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers, except retailers, upon resale.

(f) The Ideal Brass Works shall print on the box containing the sash lifts covered by this order, the maximum prices to consumers established by this order. The printing on the box shall substantially contain the following:

OPA Maximum Retail Price \$-----

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective November 27, 1945.

Issued this 26th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-21321; Filed, Nov. 26, 1945;
11:46 a. m.]

[MPR 188, Order 131 Under 2d Rev. Order
A-3]

ITTER CO., INC.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to Second Revised Order A-3 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* Ritter Company, Inc., Rochester 3, New York, may increase by no more than 12 percent, its ceiling prices to each class of purchaser for certain articles of medical and dental equipment, listed below, which it manufactures.

Article

Chair, Model "B" Motor.
Chair, Motor Model "B" Junior.
Chair, Motor Model "B" Exodontia.
Chair, Motor M. B.
Chair, Foot Pump.
Chair, Foot Pump Junior.
Chair, Foot Pump Exodontia.
Chair, Foot Pump M. A.
Chair, Ophthalmic A.
Cuspidor, Surgical.
Engine, Bracket.
Engine, Portable.
Lathe "A".
Lathe "C".
Stool, R & R Dental and Medical.
Fluorescent Light—Unit.
Fluorescent Light—Ceiling.
Fluorescent Light—Wall.
Fluorescent Light—Portable.

(b) *Ceiling prices of purchasers for resale.* Purchasers for resale of such articles which the manufacturer has sold at adjusted maximum prices permitted by paragraph (a) above, shall determine their adjusted maximum prices as follows:

(1) A purchaser for resale who delivered or offered for delivery during March, 1942, an article which meets the definition of "most comparable article" contained in § 1499.3 (a) of the General Maximum Price Regulation, except that it need not be currently offered for sale, shall calculate his ceiling price by adding to his invoice cost the same markup which he had on that comparable article, according to the method and procedure set forth in that section.

The determination of a ceiling price in this way need not be reported to the Office of Price Administration, however,

each seller must keep complete records showing all the information called for by OPA Form 620-759 with regard to how he determined his ceiling price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(2) If a purchaser for resale cannot determine his ceiling price under the above method, he shall apply to the Office of Price Administration for the establishment of his ceiling price under § 1499.3 (c) of the General Maximum Price Regulation. Ceiling prices established under that section will reflect the supplier's prices adjusted in accordance with this order.

(c) *Terms of sale.* Ceiling prices adjusted by this order, are subject to each seller's customary terms, discounts and allowances on sales to each class of purchaser in effect during March 1942, or thereafter properly established by OPA regulations.

(d) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale showing a price adjusted in accordance with the terms of this order, the seller shall notify such purchaser in writing of the methods established in paragraph (b) for determining adjusted maximum prices for resales of the articles covered by this order. This notice may be given in any convenient form.

(e) All requests for adjustments of maximum prices not specifically granted by this order are hereby denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

(g) This order shall become effective on the 27th day of November 1945.

Issued this 26th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-21324; Filed, Nov. 29, 1945;
11:47 a. m.]

[MPR 188, Order 4710]

LANDERS FRARY & CLARK

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Landers Frary & Clark, New Britain, Conn.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—			
		Wholesaler (dollar)	Retailer (6 units or more)	Retailer (less than 6 units)	Consumer
Electricirculator.	EA4299	\$3.83	\$4.62	\$4.67	\$7.23
	EA4293	4.33	5.17	4.87	8.33
	EA4274	4.63	5.62	5.27	9.43

These maximum prices are for the articles described in the manufacturer's application dated November 6, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. The above prices include the Federal Excise Tax and are subject to the seller's customary terms, discounts, allowances or other price differentials.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain either of the following statements with the correct order number, model number and retail prices properly filled in:

Order No. 4710

Model No. -----

OPA Retail Ceiling Price—\$-----
Federal Excise Tax Included
Do Not Detach or Obliterate

or

Landers Frary & Clark
New Britain, Connecticut
Model No. -----

OPA Retail Ceiling Price—\$-----
Federal Excise Tax Included
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 27th day of November 1945.

Issued this 26th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-21323; Filed, Nov. 26, 1945;
11:47 a. m.]

[RMPR 223, Order 4]

GENI RUBBER CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 6a of

Revised Maximum Price Regulation 229, *It is ordered:*

(a) *Applicability.* This order applies to sales at retail of the neoprene-latex-dipped waterproof rubber footwear items bearing the brand name, "Gemflex", which are manufactured by the Gem Rubber Corporation, 537 West 53rd Street, New York, New York.

(b) *Maximum prices.* The maximum prices for sales at retail of the footwear described in paragraph (a) of this order shall be as follows:

Item:	Maximum price at retail, per pair
Women's footholds, neoprene-latex, including pouch.....	\$1.19
Men's storm rubber, neoprene-latex, unlined, including pouch.....	2.00

All customary discounts and allowances must be deducted from these prices.

(c) *Notification of maximum prices.* The manufacturer of the commodity priced by this order is required by Order No. L-1 under Maximum Price Regulation 132 to notify each retailer to whom he sells of the maximum prices applicable to the retailer's resales as established by paragraph (b) above.

(d) All provisions of Revised Maximum Price Regulation 229 that are not inconsistent with this order shall apply to sales by retailers of the waterproof rubber footwear covered by this order.

(e) This order may be revoked or amended by the Administrator at any time.

This order shall become effective November 27, 1945.

Issued this 26th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-21325; Filed, Nov. 26, 1945; 11:45 a. m.]

[RMFR 136; Amdt. 1 to Order 546]

CONVERTO MANUFACTURING CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 9, 10 and 11 (c) of Revised Maximum Price Regulation 136, *It is ordered:*

Order No. 546 under Revised Maximum Price Regulation 136 is amended in the following respect:

1. The Converto Manufacturing Company's suggested resale price contained in paragraph (b) (1) to the Converto Company for Models Nos. TD and TC two-wheel trailers equipped without tires is amended to read as follows:

(1) Prices:

The Converto Company, *Without tires* \$90.50

This amendment shall become effective November 26, 1945.

Issued this 26th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-21337; Filed, Nov. 26, 1945; 4:35 p. m.]

[Rev. Gen. Order 51, Amdt. 3]

AUTHORIZATION TO FIX COMMUNITY CEILING PRICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised General Order 51 is amended in the following respect:

Paragraph (k) is amended to read as follows:

(k) *Adjustment of prices.* Any Regional Office of the Office of Price Administration and any District Office which has been or may be authorized by order issued by the appropriate Regional Office to fix community dollars-and-cents ceiling prices hereunder, is hereby authorized to adjust these dollars-and-cents prices for any Group 3 or Group 4 store in its area when it appears that the "net cost" (as defined in Maximum Price Regulation 422) of such store for the commodities subject to such community prices are substantially higher than those used in computing the applicable community ceiling prices.

This amendment shall become effective December 3, 1945.

Issued this 27th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-21366; Filed, Nov. 27, 1945; 11:42 a. m.]

[RMFR 528, Order 71]

GOODYEAR TIRE & RUBBER CO., INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 16 (d) of Revised Maximum Price Regulation 528, *It is ordered:*

(a) The maximum retail prices for the following sizes and types of new Off-The-Road truck tires manufactured by The Goodyear Tire & Rubber Company, Inc., Akron, Ohio, shall be:

HARD ROCK LUG TRUCK TIRES

Size	Ply	Maximum retail price, each
7.00-15.....	12.....	\$63.80
9.00-15.....	12.....	92.30
10.00-15.....	14.....	110.45
13.00-24.....	18.....	253.60

SAND TRUCK TIRES

9.00-13.....	6.....	\$36.55
--------------	--------	---------

INDUSTRIAL TRUCK TIRES

Size	Type	Maximum retail price, each
6 x 2.00.....	Solid rib cushion.....	\$3.50
8 x 2.00.....	Solid rib cushion.....	3.60
10 x 2.00.....	Solid rib cushion.....	3.60
10 x 2.75.....	Solid rib cushion.....	4.95

19 F.R. 408; 10 F.R. 9299, 11982.

10 F.R. 1505, 2024, 2297, 3814, 5370, 5577, 6235, 6514, 7251, 8015, 8656, 9272, 9263, 9430, 11303, 12264, 12265, 12810, 12992, 13073, 13593.

(b) All provisions of Revised Maximum Price Regulation 528 not inconsistent with this order shall apply to sales covered by this order.

(c) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective November 28, 1945.

Issued this 27th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-21381; Filed, Nov. 27, 1945; 11:43 a. m.]

[RMFR 528, Order 70]

UNITED STATES RUBBER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 16 (d) of Revised Maximum Price Regulation 528, *It is ordered:*

(a) Maximum retail prices for the following sizes and types of new Fisk Pressed-on Type Industrial Solid Tires manufactured by Fisk Division of the United States Rubber Company, New York, New York, shall be:

FISK PRESSED-ON TYPE INDUSTRIAL SOLID TIRES

Size	Tread type	Maximum retail price	
		East	West
15 x 3 1/4 x 11 1/4.....	Plain.....	\$14.20	\$15.00
16 x 3 1/4 x 12 1/4.....	do.....	14.85	16.00
20 x 3 1/4 x 16.....	do.....	16.85	18.15
20 x 4 x 16.....	do.....	19.25	20.70
22 x 4 1/4 x 17 1/4.....	do.....	21.20	22.85
22 x 4 1/2 x 17 1/4.....	Non-skid.....	21.20	22.85
9 x 6 x 5.....	Plain.....	14.05	15.75
10 x 6 x 6.....	do.....	14.00	16.05
10 1/2 x 6 x 6 1/4.....	do.....	15.85	17.10
15 x 6 x 11 1/4.....	do.....	19.00	20.45
17 x 6 x 12 1/4.....	do.....	22.80	21.65
20 x 6 x 16.....	do.....	22.75	21.50
20 x 6 x 16.....	Non-skid.....	22.75	21.50
21 x 6 x 16.....	Multi-cush.....	20.65	24.60
10 x 6 x 6 1/4.....	Plain.....	17.35	18.75
10 1/2 x 6 x 6 1/4.....	do.....	17.80	19.25
15 x 6 x 11 1/4.....	do.....	23.40	25.20
20 x 6 x 16.....	do.....	21.60	26.60
20 x 6 x 16.....	Non-skid.....	21.60	26.60
22 x 6 x 17 1/4.....	Plain.....	25.00	27.85
15 x 7 x 11 1/4.....	Grooved.....	24.10	26.00
20 x 7 x 16.....	do.....	27.25	29.40
20 x 8 x 16.....	do.....	39.70	41.70
22 x 8 x 17 1/4.....	do.....	40.35	43.45

"East" and "West" shall have the meaning given those terms in the manufacturer's price list for industrial tires in effect on February 1, 1944.

(b) All provisions of Revised Maximum Price Regulation 528 not inconsistent with this order shall apply to sales covered by this order.

(c) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective November 28, 1945.

Issued this 27th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-21380; Filed, Nov. 27, 1945; 11:43 a. m.]

[RMFR 528, Order 73]

UNITED STATES RUBBER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 16 (d) of Revised Maximum Price Regulation 528, it is ordered:

(a) Maximum retail prices for the following sizes of new U. S. Royal Tractor Industrial Grader Tires manufactured by the United States Rubber Company of New York, New York, shall be:

U. S. ROYAL TRACTOR INDUSTRIAL GRADER TIRES

Size	Ply	Maximum retail price per tire
9-24	4	\$34.75
10-24	6	47.00
10-28	4	47.45
12-26	6	67.15
13-26	6	75.05
12-30-24	6	58.05
12-30-23	6	95.65
13-30-24	8	121.00
13-30-23	8	133.95
14-30-24	8	120.40
14-30-23	8	120.75
14-30-32	8	144.25

(b) All provisions of Revised Maximum Price Regulation 528 not inconsistent with this order shall apply to sales covered by this order.

(c) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective November 28, 1945.

Issued this 27th day of November 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-21382; Filed, Nov. 27, 1945; 11:44 a. m.]

Regional and District Office Orders.

[Region IV Order G-1 Under MPR 251, Amdt. 3]

ROOFING IN SHELBY COUNTY, TENN.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by section 8 (c) of Revised Maximum Price Regulation No. 251, Order No. G-1 under Maximum Price Regulation No. 251, issued by the Atlanta Regional Office on April 24, 1944, and amended October 27, 1944, and March 31, 1945, is hereby amended by changing paragraph (f) to read as follows: "This order shall become effective April 24, 1944 and shall expire at 11:59 p. m., March 30, 1946."

This order is issued as of October 31, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-21382; Filed, Nov. 23, 1945; 4:56 p. m.]

[Region II Rev. Order G-11 Under RMFR 123, Amdt. 3]

PENNSYLVANIA ANTHRACITE IN HUDSON COUNTY, N. J.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122, Revised Order No. G-11 is amended in the following respects:

1. Paragraph (e) (1) is amended as follows:

(e) *Schedule II: "yard sales"*. (1) Maximum prices for certain sizes of anthracite sold at the dealer's "Yard" within Coal Area II.

Size	Per net ton for sales of 1/2 ton or more	Per 100 lbs. for sales of 100 lbs. or more but less than 1/2 ton	
		Dealers	Consumers
Broken, egg, stove, nut	\$12.60	\$9.72	\$9.80
Pea	10.30	.65	.70
Buckwheat	8.15	.65	.65
Rice	7.35		
Barley	5.85		
Screenings	3.30		

2. Paragraph (f) is amended to read as follows:

(f) *Schedule III—*

(1) MAXIMUM PRICE PER 50 LB. PAPER BAG

Size	Delivered at dealer's yard to—		Sales to ultimate consumer
	Dealers	Consumers	
Nut	\$9.405	\$9.445	\$9.445

(2) MAXIMUM PRICE PER 25 LB. PAPER BAG

Nut	\$9.20	\$9.22	\$9.22	\$9.27
-----	--------	--------	--------	--------

(3) MAXIMUM PRICE PER 12 LB. PAPER BAG

Nut	\$9.10		\$9.11	\$9.13
-----	--------	--	--------	--------

This Amendment No. 3 to Revised Order G-11 shall become effective as of October 17th, 1945.

(56 Stat. 23, 765; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued October 29th, 1945.

LEO F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 45-21283; Filed, Nov. 23, 1945; 4:57 p. m.]

[Region II Rev. Order G-41 Under RMFR 122, Amdt. 5-A]

SOLID FUELS IN HOWARD, CARROLL, HARTFORD, CECIL, BALTIMORE, AND ANNE ARUNDEL COUNTIES, MD.

For the reasons set forth in an opinion issued simultaneously herewith and

under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Order No. G-41 is amended in the following respects:

1. Paragraph (d) (1) is amended by revising the "direct-delivery" prices for Pennsylvania and Virginia Anthracite as follows:

(d) *Schedule I. * * **

(1) *Sales on a "direct-delivery" basis.* For sale of coal of the kinds and sizes and in the quantities specified.

Kind and size of coal	Per net ton	Per net 1/2 ton	Per 100 lbs. for sales of 100 lbs. or more but less than 1/2 ton
Pennsylvania anthracite:			
Broken, egg, stove, nut	\$15.35	\$7.65	\$9.60
Pea	13.40	6.65	.80
Buckwheat	11.05	6.10	.75
Rice	10.60	5.55	
Barley	9.35	4.65	
Screenings	4.75	2.10	
Virginia anthracite:			
Egg, stove, nut	12.60	6.55	.75
Pea	11.15	5.85	.67
Buckwheat	10.50	5.50	.62

Required discounts and maximum authorized service charges remain unchanged.

2. Paragraph (d) (2) is amended by revising the "yard sales" prices for Pennsylvania and Virginia anthracite as follows:

(2) *"Yard sales"*. For sales of coal of the kinds and sizes, and in the quantities specified.

Kind and size of coal	Per net ton for sales of 1/2 ton or more	Per 100 lbs. for sales of 100 lbs. or more but less than 1/2 ton
Pennsylvania anthracite:		
Broken, egg, stove, nut	\$14.35	\$9.80
Pea	12.40	.70
Buckwheat	10.65	.65
Rice	9.00	
Barley	8.35	
Screenings	3.75	
Virginia anthracite:		
Egg, stove, nut	11.60	.63
Pea	10.15	.57
Buckwheat	9.50	.52

Required discounts remain unchanged.

3. Paragraph (e) (1) is amended by revising the "direct delivery" prices for Pennsylvania anthracite as follows:

(e) *Schedule II. * * **

(1) *Sales on a "direct-delivery" basis.* For sales of coal of the kind and sizes, and in the quantities specified.

Kind and size of coal	Per net ton	Per net 1/2 ton	Per 100 lbs. for sales of 100 lbs. or more but less than 1/2 ton
Pennsylvania anthracite:			
Broken, egg, stove, nut	\$14.80	\$7.65	\$9.60
Pea	13.00	6.75	.80
Buckwheat	11.05	6.10	.70
Rice	10.60	5.55	
Barley	8.20	4.50	
Screenings	4.75	2.10	

4. Paragraph (e) (2) is amended by revising the "yard sales" prices for Pennsylvania anthracite as follows:

(2) "Yard sales". For sales of coal of the kinds and sizes, and in the quantities specified.

Kind and Size of Coal	Per net ton for sales of ½ ton or more	Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton
Pennsylvania anthracite:		
Broken, egg, stove, nut.....	\$13.80	\$0.80
Pea.....	12.00	.70
Buckwheat.....	10.05	.60
Rice.....	9.00	
Barley.....	7.50	
Screenings.....	3.75	

5. Paragraph (f) (1) is amended by revising the "direct delivery" prices for Pennsylvania anthracite as follows:

(f) *Schedule III.* * * *

(1) Sales on a "direct delivery" basis. For sales of coal of the kinds and sizes, and in the quantities specified.

Kind and size of coal	Per net ton	Per net ½ ton	Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton
Pennsylvania anthracite:			
Broken, egg, stove, nut.....	\$14.30	\$7.40	\$0.85
Pea.....	12.50	6.50	.75
Buckwheat.....	10.50	5.50	.70
Rice.....	9.45	5.00	
Barley.....	7.95	4.25	
Screenings.....	4.25	2.15	

6. Paragraph (f) (2) is amended by revising the "yard sales" prices for Pennsylvania anthracite as follows:

(2) "Yard sales". For sales of coal of the kinds and sizes, and in the quantities specified.

Kind and size of coal	Per net ton for sales of ½ ton or more	Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton
Pennsylvania anthracite:		
Broken, egg, stove, nut.....	\$13.30	\$0.75
Pea.....	11.50	.65
Buckwheat.....	9.50	.60
Rice.....	8.45	
Barley.....	6.95	
Screenings.....	3.25	

7. Paragraph (g) (1) is amended by revising the "direct delivery" prices for Pennsylvania anthracite as follows:

(g) *Schedule IV.* * * *

(1) Sales on a "direct delivery" basis. For sales of coal of the kinds and sizes, and in the quantities specified.

Kind and size of coal	Per net ton	Per net ½ ton	Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton
Pennsylvania anthracite:			
Broken, egg, stove, nut.....	\$14.70	\$7.60	\$0.85
Pea.....	12.70	6.60	.80
Buckwheat.....	10.90	5.70	.70
Rice.....	10.05	5.20	
Barley.....	8.55	4.55	
Screenings.....	4.25	2.15	

8. Paragraph (g) (2) is amended by revising the "yard sales" prices for Pennsylvania anthracite as follows:

(2) "Yard sales". For sales of coal of the kinds and sizes, and in the quantities specified.

Kind and size of coal	Per net ton for sales of ½ ton or more	Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton
Pennsylvania anthracite:		
Broken, egg, stove, nut.....	\$13.70	\$0.75
Pea.....	11.70	.70
Buckwheat.....	9.50	.60
Rice.....	9.05	
Barley.....	7.55	
Screenings.....	3.25	

9. Paragraph (h) (1) is amended by revising the "direct delivery" prices for Pennsylvania anthracite as follows:

(h) *Schedule V.* * * *

(1) Sales on a "direct delivery" basis. For sales of coal of the kinds and sizes, and in the quantities specified.

Kind and size of coal	Per net ton	Per net ½ ton	Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton
Pennsylvania anthracite:			
Broken, egg, stove, nut.....	\$14.65	\$7.60	\$0.85
Pea.....	12.75	6.65	.80
Buckwheat.....	10.50	5.50	.70
Rice.....	9.40	4.95	
Barley.....	7.90	4.20	
Screenings.....	4.25	2.15	

10. Paragraph (h) (2) is amended by revising the "yard sales" prices for Pennsylvania anthracite as follows:

(2) "Yard sales". For sales of coal of the kinds and sizes, and in the quantities specified.

Kind and size of coal	Per net ton for sales of ½ ton or more	Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton
Pennsylvania anthracite:		
Broken, egg, stove, nut.....	\$13.65	\$0.75
Pea.....	11.75	.70
Buckwheat.....	9.50	.60
Rice.....	8.40	
Barley.....	6.90	
Screenings.....	3.25	

This Amendment No. 5 to Order No. G-41 as to Pennsylvania anthracite shall become effective as of June 18, 1945, and as to Virginia anthracite it shall become effective as of July 28, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of August, 1945.

LEO F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 45-21279; Filed, Nov. 23, 1945; 4:56 p. m.]

[Region VIII Order G-10 Under Supp. Service Reg. 43 to RMFR 165]

COTTON PICKING SERVICES IN CALIFORNIA

For the reasons set forth in the accompanying opinion and pursuant to authority conferred upon the Regional Administrator by § 1499.676 (a) of Supplementary Service Regulation No. 43 to Revised Maximum Price Regulation No. 165, *It is hereby ordered:*

(a) The maximum price that any independent contractor may charge for services rendered in connection with picking cotton, shall be 25 cents per cwt., provided all of the services described in paragraph (b) below are rendered, except that:

(1) When the wages paid pickers in a particular field legally exceed the \$2.25 per cwt. maximum rate established by the Secretary of Agriculture in Specific Wage Ceiling Supplement No. 36 under an individual adjustment to relieve "hardship" conditions properly approved by the California Wage Board of the United States Department of Agriculture, the contractor may increase the contract service price established by paragraph (a) above by an amount not exceeding 10 percent of that portion of the wage legally paid pickers in excess of the \$2.25 per cwt.

(2) Where it is necessary for any contractor to transport workers for a distance greater than ten miles (one way) an additional amount may be added to the contract service price not to exceed one cent per man for each mile over ten miles, for the distance covered both ways outside the ten mile zone.

(3) When an independent contractor is licensed by the State of California, an additional amount not to exceed the cost of workmen's compensation insurance at the rate of \$1.38 per hundred dollars of wages paid to the pickers may be added.

(b) The services covered by this order shall include all services customarily performed in connection with cotton picking operations, including recruiting and transportation of workers, field supervision of pickers, supplying water to pickers in the field, weighing cotton, keeping records of weights and earnings and furnishing payrolls.

(c) The area covered by this order shall be the Counties of Kern, Kings, Tulare, Fresno, Madera and Merced, State of California.

(d) An independent contractor, for the purposes of administering this order, is defined as any person who supplies or offers to supply the services described in paragraph (b) above, other than as an employee.

(e) This order may be amended or revoked at any time.

(f) This order shall become effective November 2, 1945, and shall expire February 2, 1946, unless sooner rescinded as provided for in paragraph (c) above.

Issued this 2d day of November 1945.

BEN C. DUNNWAY,
Regional Administrator.

[F. R. Doc. 45-21285; Filed, Nov. 23, 1945; 4:57 p. m.]